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# The American Political Science Review

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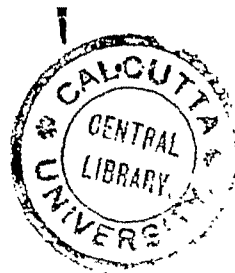
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## PRESSURE GROUPS AND PARTIES IN BRITAIN\*

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When an American looks at British politics, one of his first questions is likely to be, "Where are your pressure groups?" Since the subject has hardly been studied and most works on British government largely ignore it,<sup>1</sup> he may feel some surprise when he finds that, even if compared with American examples, pressure groups in Britain are numerous, massive, well-organized, and highly effective. In this article I wish in the first place simply to sketch the pattern of pressure group activity in Britain and to illustrate the influence of pressure politics on the policy of British governments in recent years. This cannot be done, however, if the analysis is confined to pressure groups alone. For their aims, methods, and effectiveness are profoundly affected by the context within which they act. We all recognize, for instance, the differences from the American pattern of pressure politics which result from the discipline of British parties and the centralized power of cabinet government. In addition to these elements of structure, I wish to stress the cultural context within which British parties and pressure groups act and which, standing in sharp contrast with that of the American political system, accounts for many of the differences of political behavior between the two countries.

This cultural context of politics, comprising a complex structure of values and ideologies, cannot be explained away, it hardly need be said, in terms of economic development. We distort the facts if we suppose that new values and ideologies arise only as reflections of new patterns of behavior resulting from objective economic development. On the contrary, political values and ideologies profoundly condition the aspirations which may emerge from economic development, determining in no small degree how people group themselves, what they demand as groups, and how they demand it. The culture of a society may provide foci around which political conflict tends to crystallize—for example, the

\* This article is based on a paper given at the Conference on the Comparative Method in the Study of Politics held under the auspices of the Social Science Research Council at Princeton, N. J., June 2-4, 1955.

<sup>1</sup> In a recent authoritative article, however, Prof. W. J. M. Mackenzie of Manchester University has sketched out the field of inquiry and indicated topics for research. "Pressure Groups in British Government," *British Journal of Sociology*, Vol. 6, pp. 133-48 (June, 1955).

sense of social class in Britain. It may also—and this is particularly important if we are to understand the present convergence of party policies in Britain—provide a consensus on basic social and political values which endures through sharp conflicts of class and party and which may provide the means for their resolution.

Nor should we stress exclusively the merely limiting and “boundary-maintaining” functions of culture. Beyond its function of conditioning those aspirations which emerge from objective development of the economy or of other aspects of the society, the cultural context also has a certain capacity for itself initiating social and political change.<sup>2</sup> In certain respects and at certain times, the culture of a society develops autonomously, producing new forms which are neither a reflection of, nor even a response to, changes in other parts of the social system, but which have arisen spontaneously from the existing culture. In such autonomous cultural developments we may sometimes be obliged to seek the ultimate origins of great revolutions in public policy and of the mutations of the aims and methods of pressure groups.

Without embarking on so difficult an inquiry into social dynamics, however, we can observe the interplay between the cultural context and certain familiar mechanisms of the political system, such as the competition for votes in a two-party system. In this interaction we shall find important clues to understanding the development not only of public policy, but also of the pattern of pressure politics in Britain. The analysis is bound to be complicated. On the one hand, pressure groups have their role—a most important one—in the development of policy. Yet at the same time we cannot understand them unless we also look at the changing context of culture and political structure with which they continually interact.

What is the bearing of these conclusions on the group theory of politics? This depends on what you take that theory to mean. If it means that the political scientist concerned with the origins and formation of policy may confine himself largely or solely to the study of interest groups, then the group theory is not a satisfactory conceptual framework for the study of British politics, or, I should add, American politics. The principal failing of such an approach is that by concentrating on groups and their diverse interests, it fails to direct analysis to the cultural context within which interests emerge and act. In the study of American and British politics, such neglect means passing over important elements of consensus which are shared throughout the political system and which involve not only “rules of the game,” but also positive social and political values. Such ideal factors of integration, precisely because they are widely diffused throughout a system, may not strike the eye as sharply as do the differences of contending groups, yet they are indispensable to stable and effective government. Furthermore, not only are forces of integration neglected, but also the function of parties and of the party system may be seriously distorted by concentrating analysis on interest groups. The tendency will

<sup>2</sup>See Talcott Parsons, *The Social System* (Glencoe, Ill., 1954), Ch. 3, “The Processes of Change of Social Systems.”

be to stress the sense in which a political party is a coalition of interest groups and a mechanism for winning elections, but to neglect the sense in which it may be the bearer of values and ideology and an instrument in their development. Such functions, as we shall see, have been performed by parties and the party system in Britain in the prolonged and complicated process by which the present general acceptance of the welfare state and the controlled economy has emerged.

#### I. TYPES OF INTEREST REPRESENTATION IN BRITAIN

If we had some way of measuring political power, we could quite possibly demonstrate that at the present time pressure groups are more powerful in Britain than in the United States. That at any rate is the impression of the present writer after making some preliminary inquiries in this largely uncharted field. Looking at the process of policymaking of the recent Churchill Government, for example, one finds hardly a field of domestic policy in which the effects of organized pressure are not profoundly marked. This is true, for instance, of policy toward agriculture, labor, veterans' pensions, old age pensions, teachers' salaries, equal pay for women, commercial television, and—to bring in an important "sectional" interest—the Lancashire textile industry. Nor have the demands of groups been reflected only in the policy of the Government and the party in power. The Opposition—whether Labor or Conservative—also has been affected and the competition between parties for the votes of the same group is often so intense as to modify profoundly what one might regard as "conservative" or "socialist" principles.

The old age pensioners, for instance, are a large and growing group, whose members, although not as effectively organized as they might be, are nevertheless sharply aware of their interest, of which the competition between the parties continually serves to remind them. If the Tories were to follow what they call their "net and ladder" principle of social policy<sup>3</sup>—i.e., aid for those most in need, the opportunity to rise for the others—they might well prefer to put additional funds into an increase in public assistance, rather than spread them among various types of benefits, some of which are inevitably paid out to persons not greatly in need.<sup>4</sup> They have chosen, however, to meet Labor's promise to restore all benefits to the level of purchasing power which they had in 1948,<sup>5</sup> proposing indeed to make good the rise in prices since 1946.<sup>6</sup> In 1954, as an election year drew near, both party conferences put the raising of old age pensions in the forefront "and," tartly commented the *Manchester Guardian*, "on the domestic side, not much else besides." Opportunely, the Government's

<sup>3</sup> See "The Ladder and the Queue," from a broadcast by the Rt. Hon. Sir Winston Churchill on Oct. 8, 1951. In *The New Conservatism: An Anthology of Post-War Thought* (London, 1955), pp. 24-25.

<sup>4</sup> See "Pensions in Perspective," *The Economist*, Dec. 11, 1954, pp. 883-88. The article also discusses the "bidding up" of pensions at election time.

<sup>5</sup> The Labor Party, *Challenge to Britain: a Programme for Action* (London, Dec., 1953), p. 25.

<sup>6</sup> *The Economist*, July 24, 1954, p. 261.

increases came into effect only a short time before the General Election of 1955.<sup>7</sup>

At the present time, British parties avoid pitched battles of opposing social philosophies and carry on the political fight through small raids, designed to capture votes from particular interest groups. In general, this tactic, which makes party programs and government policy vulnerable to pressure from organized groups, resembles the present pattern of pressure politics in the United States. And in the past, as in the present, one finds similarities as well as striking differences in the ways in which interests have brought influence to bear on government in the two political systems.

In British history, pressure groups go back at least to the 18th century—witness the various organizations which agitated for parliamentary reform from the 1760's to the 1790's—and the great period of reform in the first half of the 19th century provides many examples of highly effective pressure politics. There was the National Political Union of Francis Place, who, in Bernard Shaw's words, founded "the science of putting pressure on Parliament from outside," Wilberforce's Anti-Slavery Society, Thomas Attwood's political unions, O'Connell's Catholic Association, and that model of successful pressure groups, the Anti-Corn Law League. Yet in Britain as in the United States such organizations, founded primarily for the purpose of putting pressure on government and usually concerned with only a single piece of legislation, need to be distinguished from another type of organization which in both countries in recent generations has become far more important and effective. The latter is best represented by the organizations of the great interest groups of the modern economy—for example, trade unions, trade associations, farmers' groups, and professional associations—although their methods and form of organization may be adopted by other groups, such as war veterans. These organizations commonly have a large dues-paying membership and a considerable private bureaucracy. More important, they normally have other functions than their political ones—for instance, the internal regulation of their members or constituent organizations—and their concern with government policy does not come to an end with the passage of some particular act, but continues and indeed may be heightened as policies favorable to them are adopted. In spite of the earlier development of industrial capitalism in Britain, organizations of this type seem to have come into existence in about the same period in both Britain and the United States, beginning in the latter part of the 19th century.<sup>8</sup> Once the pattern of the permanent bureaucratic organization did emerge in Britain, however, it developed farther than in the United States, British or-

<sup>7</sup> 535 H. C. Deb. 146-148 (Dec. 1, 1954) and Cmd. 9338 on the increases and the timetable for their coming into effect.

<sup>8</sup> See the discussion of professional associations by Sidney and Beatrice Webb, who noted the growth of such organizations in membership and power in the decades before World War I and the increasing recognition of them by government. *New Statesman*, Vol. 9, "Special Supplement on Professional Associations," April 21 and 28, 1917 and Vol. 5, "Special Supplement on English Teachers and their Professional Organisation," Sept. 25 and Oct. 2, 1915. Both were special reports prepared for the Fabian Research Department at a time when guild socialism and pluralism were much in vogue.

ganizations of this type today showing a greater degree of concentration and including a far larger fraction of their potential members.<sup>8</sup>

Pressure groups, whether of the special purpose or the permanent bureaucratic type, have flourished in both Britain and the United States. Going back far into British history, but rarely found in the United States, is another device by which interests have been linked with the political process. This is the M.P. who "represents" a particular interest in the legislature, not covertly or illicitly, but openly and with general acceptance. For in spite of Burke's speech to the electors of Bristol, British custom has always been far more tolerant than American of the legislator who is intimately connected with outside interests. One may doubt that the subsidy for political expenses which Richard Nixon received from his well-to-do supporters would cause much excitement in Britain where not only the M.P.s. sponsored by trade unions but also quite a few others receive help from interested organizations in the form of contributions to election expenses and even to personal income.<sup>10</sup>

The history of the "interested" M.P. has yet to be written. The nature of his connection has ranged through many variations: from sponsorship, which involved subsidies to election expenses or personal income, through office-holding in an association with interests in government policy, to the perhaps less restricting ties of ownership of property and membership in a profession or trade. Under the aristocratic constitution, theory, as well as practice, permitted, indeed institutionalized, such functional representation.<sup>11</sup> Although in the Victorian reaction against placemen and patronage a high valuation was put on the financial independence of M.P.s,<sup>12</sup> they continued to be connected with interests by such ties as property-owning and to act as spokesmen for them in the

<sup>8</sup> For instance, virtually all trade unions—as compared with our, until recently, three major organizations—belong to the TUC and the total trade union membership runs not much under 50 per cent of the total working force—as compared with less than a quarter here. The National Farmers' Union is the only significant organization of farmers in Britain and it includes about 90 per cent of its potential membership, while here there are three important organizations, including together probably no more than 30 per cent of all farmers. In Britain there is only one important veterans' organization—the British Legion—while we have the Legion, VFW, AMVETS, and the AVC. In the field of business organization, the story is rather different. The comprehensive organizations in Britain are the Federation of British Industries, the National Union of Manufacturers, and the Association of British Chambers of Commerce. These three organizations work together smoothly, however, and one does not get the impression that in political action British business is more divided than American.

<sup>10</sup> An M.P. who wishes to speak in the House on a matter in which he has a direct pecuniary interest—e.g., through the ownership of property—is obliged to "declare his interest." Sponsorship involving a subsidy, however, does not entail such a declaration.

<sup>11</sup> For the practice, see Sir Lewis Namier's anatomy of the 18th-century House of Commons in his *Structure of Politics at the Accession of George III*, 2 vols. (London, 1929). For the theory, see, for example, Sir Robert Harry Inglis' great speech against the Reform Bill in 1831, when he defended the House as an assembly including representatives of all the great interests of the country. (2 *H.C. Deb.*, 3rd ser., 1090–1139, esp. at 1109 and 1133 [1 March 1831].)

<sup>12</sup> Norman Gash, *Politics in the Age of Peel* (London, 1953), pp. 106–9.

House.<sup>13</sup> The scores of M.P.s. who were railway directors are the best-known examples. Not many degrees removed from this type of connection was the practice of sponsorship, which developed in the latter part of the 19th century. Candidates and M.P.s. subsidized by trade unions became the most numerous of this class. But there were also other examples. For instance, the National Union of Teachers from shortly after its foundation in 1870 has sought out candidates from all major parties who have been willing to advocate its views in the House and who in turn have received a subsidy or election expenses from the organization. Perhaps in recent years the House has become less tolerant of such ties.<sup>14</sup> But there remain many M.P.s. who are acknowledged to be spokesmen for outside interest groups and many who receive contributions to election expenses and personal income from non-party organizations. Along with M.P.s. who have interests arising from directorships, investments, and the like, the House includes, as Sir Winston Churchill has said "those people who come to represent particular bodies, particular groups of a nonpolitical character." "We are not supposed to be an assembly of gentlemen who have no interests of any kind and no associations of any kind," he continued. "That is ridiculous. That might happen in Heaven, but not, happily, here."<sup>15</sup>

## II. QUASI-CORPORATISM AND THE STRUCTURE OF THE WELFARE STATE

The M.P. who acts as the acknowledged spokesman for an interest in Parliament has been very important in the past. But although he will still be found today, he has greatly declined in importance as a means of interest representation in comparison with that more modern figure, the private bureaucrat of the permanent, large-scale pressure group. Indeed, when we compare the pattern of interest representation of the Victorian period with that of today, the most significant change is the shift of power from the older to the newer type, from the "interested" M.P. to the private bureaucrat. Yet even in the new pattern there are elements of continuity with the old. In contrast with American theory and practice, the "interested" M.P. was a more "legitimate," a more closely integrated part of the representative system. Similarly, today the massive pressure groups of Britain are, in comparison with the American pattern, far more intimately linked with the apparatus of government, especially of government administration.

During the war this association was even closer than at present, many trade

<sup>13</sup> Bernard Cragcroft, "The Analysis of the House of Commons, or Indirect Representation in *Essays on Reform* (London, 1867), pp. 155-90.

<sup>14</sup> In 1947 the House resolved that it is a breach of privilege for a member to enter into a contractual agreement with an outside body "stipulating that he shall act in any way as the representative of such outside body" in Parliament. This has not, however, prevented M.P.s. from representing the views of outside organizations in the House, nor has it prevented outside bodies from continuing their subvention. So long as the "complete independence and freedom of action" of the M.P. is respected, such arrangements are legitimate. See 440 *H.C. Deb.* 285 and in general the debate on this question, col. 284-365, and the report from the Committee of Privileges on which the debate was based (H.C. No. 118, 1946-7).

<sup>15</sup> *Report, Committee of Privileges* (H.C. No. 118, 1946-7), Minutes of Evidence, p. 8.



associations being at least in part virtually embodied in the administration.<sup>16</sup> In spite of the relaxation of control since the war, there remains a system of "quasi-corporatism" which leaves no important organized group without a channel of influence and a real share in the making of decisions. The main substance of this system is continual, day-to-day contacts between public bureaucrats in the government departments and private bureaucrats in the offices of the great pressure groups—the Farmers' Union, the British Legion, the National Union of Teachers, the Federation of British Industries, the British Medical Association, and countless trade unions and trade associations. A great deal can be done at the "civil service" level, especially in view of the opportunities for discretion which must be left to civil servants by the vast network of rules and orders under which Britain's welfare state is run.<sup>17</sup> As an official of one organization put it, "Very much can be done which is in effect policy-making—what you try to do is to create an opinion among officials which is favorable to stretching the regulations."

Sometimes this connection is formalized by the inclusion of representatives of the pressure group in government committees. The Federation of British Industries, for instance, has representatives on some 70 government committees and similar bodies; the Trades Union Congress has representatives on 60 government committees. The old practice of a formal deputation to a minister is also still used, the classic example being the bodies of dignitaries and officials from various pressure groups which call upon the Chancellor of the Exchequer or Financial Secretary in the early months of the year to present their views on what ought to be done in the Budget.

The formal deputation is less important than it once was, but meetings with ministers are, of course, indispensable for major action. (Even then, as one pressure group official pointed out, you are likely to be successful only if you have prepared the way by winning over the permanent secretary of the department and other key officials.) The annual determination of the prices for agricultural products which will be guaranteed by the government provides such occasions.<sup>18</sup> In these prolonged negotiations, on which depend the expendi-

<sup>16</sup> At the outbreak of the war, for instance, part of the organization of the British Iron and Steel Federation was taken over by the Iron and Steel Control of the Ministry of Supply and its then president was made the Iron and Steel Controller. (G. D. N. Worswick, *The Raw Materials Controls*, Tract No. 257, The Fabian Society; London, 1944.) The general type of control in the Ministry of Supply was a converted trade association. (*Government and Industry*; Fabian Research Group; Research Series No. 83; London, 1944.)

<sup>17</sup> In 1950 the Committee on Intermediaries reported on the relations between government departments and the great bureaucratic pressure groups. It referred to these relations as "organized liaison" concerning not only individual cases, but also "the general formulation and execution of policy" and constituting "an essential and recognised part of the machinery of government." (*Report*; Cmd. 7904; March, 1950, par. 6.)

<sup>18</sup> For discussion of the annual price reviews, see the annual reports of the N.F.U., statements in the House of Commons by ministers; the White Papers normally issued stating the results of the price reviews; comment in farmers' periodicals, especially *The British Farmer*, *The Farmer's Weekly*, and *The Farmer and Stockbreeder*, as well as the general press, especially *The Times*, *Manchester Guardian*, and *Economist*, the last of which has the best running comment on agricultural policy.

ture of hundreds of millions of pounds, civil servants from the Ministry of Agriculture and certain other departments deal with experts from the National Farmers' Union. The delegation from the N.F.U. will be led by its president, Sir James Turner, who, probably attended by other higher officials of the Union, at critical points will carry the negotiations up to the Minister of Agriculture. At this level, not only the technical arguments—of which Sir James happens to be a master—will be deployed, but also suggestions of electoral retaliation and, so it is said, hints of the withdrawal of farmers' cooperation from certain administrative tasks in which their help is virtually indispensable, in particular the county agricultural committees. Since money is involved, the Chancellor of the Exchequer will at some time be brought in, on which occasion it will make a difference to the outcome if he believes—as a recent Chancellor is reported to have said—that “the farmers are the swing vote.”

Confrontations of ministers, however, normally develop out of the immense mass of daily informal contacts at the civil service level. Again and again officials of pressure groups will mention that they continually ring up their “opposite numbers” in the departments and discuss a problem with them on a first name basis—an informality of contact often made easier by the fact that the private bureaucrat worked with the public bureaucrat in the same ministry during the war. Nor is the initiative confined to the pressure groups. For instance, quite commonly when the Ministry of Education has to draw up a new regulation (which may or may not have ultimately to be submitted to Parliament), it will send its draft of the regulation to the headquarters of the National Union of Teachers to get their comments and criticism. It is understandable that the Union finds it hardly worthwhile any longer to send a formal deputation to the minister, although not many years ago, before it had won its present “recognition,” it fought strenuously for the right to such audiences.

A recent summary of certain aspects of the work of the Federation of British Industries by its Director-General in its general outlines also applies to many other pressure groups:

There are . . . many consultative committees consisting of official and industrial representatives; and almost every day the F.B.I. is approached by one or another Government Department for advice. But consultation is not really effective unless it takes place before rather than after the event. On the Government side, the process may be a nuisance, but it generally saves a lot of trouble in the long run. So we are constantly impressing on Government Departments the need for them to consult and to consult early. . . .

Of course the great bulk of the work of Government is administration, not policy; and most of what I have called the F.B.I.'s policy work lies in the field of administration. Let me put it another way. Parliament may decide upon a line of policy. . . . Industry may or may not like the policy; and the F.B.I. will say on its behalf. But when the issue is decided, it may make a world of difference to industry how the policy is implemented and translated through administration into action.<sup>19</sup>

In the representation of interests, the M.P.'s role has declined, but not disappeared. How old and new methods may be combined is illustrated by the

<sup>19</sup> Sir Norman Lipping, *The Federation of British Industries* (London, 1954), p. 6.

successful campaign by the National Union of Teachers in 1954 to defeat the proposed increase in teachers' contributions to their superannuation fund. Having won a modest victory when the Minister of Education accepted the recommendations for an increase in teachers' salaries presented by an advisory committee—on which the Union has a majority of the teachers' representatives—the Union set out to defeat the Minister's announced intention of raising the superannuation contributions.<sup>20</sup> Possibly, as the Union said, the proposed increase had not been discussed at the committee level, although it hardly seems likely that the teachers' representatives did not know about it. At any rate, being unable to win its point in dealings with the Ministry, the Union turned to more public methods. With 20 M.P.s as members—four of them "sponsored" candidates—the N.U.T. had a fair basis in Parliament to work from. Although all but one of these were on the Labor side, in this instance the Union picked up considerable support from Conservatives, led by a forceful and frequent rebel, Sir Robert Boothby. Within a week or so of the introduction into the House of the bill to raise contributions, branches of the N.U.T. were sending protests to the M.P.s from their constituencies. Within the House of Commons and within the parliamentary parties—the education committees in each party being used—protests were made by M.P.s. Early in February the parliamentary Labor party officially took a stand in opposition to the bill. Later that month the second reading was postponed and after at least two cabinet meetings at which the question was discussed it was put off until autumn. In October the Minister of Education was obliged to resign, and shortly afterwards the new Minister announced the withdrawal of the bill.<sup>21</sup>

Contrasts of this system of "quasi-corporatism" with the relations of pressure groups and government in the United States, if not sharp, are at least suggestive. For obvious reasons, the individual legislator, and the legislature generally, under cabinet government occupy a less important position. While "rebel" groups and party committees from time to time have influence, there are, for instance, no organs, formal or informal, comparable in power with our legislative committees. Not only do interest groups enjoy a greater degree of concentration, but the government with which they deal also is more highly centralized than ours: greater power to exert pressure is linked up with greater power to act. Whether that power to act will be used or not will depend on various factors with which we shall be concerned later on. Usually—this is the point to stress—if you can bring over the Minister and the Chancellor of the Exchequer you have not much else to worry about. Compare the position of the American pressure group which, if it wants positive action, must win its battle at many different points—committees in both houses, the presidency, the secretary, the bureau chief. It is no wonder that our pressure politics is so much noisier and less tidy than Britain's.

<sup>20</sup> 522 H.C. Deb. 1331 (Jan. 22, 1954) and *Manchester Guardian*, Jan. 22, 1954, p. 14.

<sup>21</sup> On the activities of the N.U.T., apart from those invaluable and obvious sources, *The Times* and *Hansard*, see its annual reports and *The Schoolmaster and Woman Teacher's Chronicle*, a weekly periodical published by the Union.

The pattern of pressure group relations with the administration, however, in broad outline is not unfamiliar to an American. There is perhaps better articulation in Britain resulting from the fact that normally only one rather than several major pressure groups represents each interest and that more effective contact with the members of the interest group results from its usually including a larger fraction of its potential membership. Perhaps also relations are to a greater degree formalized and institutionalized in Britain than in the United States, although, of course, our national government is cluttered with advisory committees and many pressure groups have continual relations with departments and bureaus.

For many British pressure groups there is a striking contrast in their present relations with departments as compared with their relations in the not too distant past. For these groups—the trade unions are the outstanding example—there was a long period of struggle for “political” recognition. Today not only are trade unions brought into frequent and earnest consultation through such means as the important National Joint Advisory Council to the Minister of Labor, but also no matter what government is in power there is always “access,” the doors are open. Replying to the traditional vote of thanks to members of the press at the conclusion of the 1945 T.U.C., the correspondent for the *Times* said:

You have no longer any need to thunder; you have only to whisper and Ministers tremble and Field-Marshal bend their knees. How very far away are those days when a few top-hatted, frock-coated gentlemen made a promenade of the Government offices in Whitehall respectfully carrying resolutions passed by Congress, leaving them at the door, extremely happy if they saw a permanent secretary, and most handsomely flattered if by accident they stumbled across a Minister.<sup>22</sup>

A further principal difference from the American pattern is obvious: it is that the amount of “business” transacted between pressure groups and departments is larger and more important. This results not only from the differences between a unitary and a federal system—compare the importance of educational policy at Westminster and in Washington—but also from the fact that Britain has a welfare state and a controlled economy. Perhaps there was a time when most pressure groups wanted government to stop doing things. But today in Britain as in the United States nearly all want—apart from tax matters—positive action: subsidies, benefit payments, services, favorable regulation such as tariffs.<sup>23</sup> The more positive the state, the larger the amount of business transacted between government and pressure groups is likely to be. Quite naturally, it has been the programs of the welfare state and of the

<sup>22</sup> Quoted in Allan Flanders, *Trade Unions* (London, 1942), p. 64.

<sup>23</sup> The Committee on Intermediaries reported in 1950 that 21 departments of government received some 19,000,000 applications each year from members of the public for licenses, permits and various kinds of benefits. “The Departments,” it said “. . . have one thing in common. Whatever their particular branch of business they all have the disposal of something which members of the public want—whether that be a license to acquire material needed for carrying on a business, permission to act in a certain way or the grant of some monetary or other benefit” *Report*, (cited in note 17), par. 6.

controlled economy around which pressure activity has tended to cluster, giving rise to the system of "quasi-corporatism."

The structure of centralized parties and cabinet government is part of the framework within which British pressure groups operate. Such structures will tend to concentrate pressure on the ministerial level, but they do not determine whether the means of exerting that pressure shall be the M.P. or the private bureaucrat. This depends upon other factors, principally the rise of permanent, bureaucratic pressure organizations, a development which itself may be connected with not only the extension of the franchise, but also the decline of the governing class. As many English observers hasten to point out, what has happened in this regard is that old elites have simply been supplanted by new ones. In the previous social situation, interests could express themselves through traditional channels with little or no need for organization. Social class, the country house, the "Old Boy network" sufficed as channels of influence.<sup>24</sup> From that day the members of the House of Commons have not declined in virtue or ability. What they clearly have in lesser degree is the social prestige of the members of Victorian or Edwardian days. On the other hand, the new elites, if they do not enjoy the "deference" accorded the old, nevertheless have effective authority in relation to their organizations and clienteles—a striking example was the remarkable power of trade union leaders to restrain their members from making wage demands during the austerity drive from 1948 to 1950.

Whatever the reasons for the rise of such pressure organizations, they have been drawn to and ever more closely linked up with the bureaucracy by the expansion of the scope of policy and the delegation of power to ministers and, in effect, to civil servants which has been consequent upon that expansion. In addition to the party and constitutional structures, the structure of the welfare state and controlled economy also constitutes part of the framework within which pressure groups operate.

### III. CONVERGENCE OF PARTY POLICY: EFFECT ON PRESSURE GROUPS AND PARTIES

A more diffuse, but no less important element of context is suggested by the acceptance by both major parties of the welfare state code and certain basic economic controls. On this topic we need first to say something to substantiate it; then we can examine some of its effects before turning to the most interesting problem of how to explain the reasons for it.

The substance of the first point is that the Tories have moved over to an

<sup>24</sup> Writing of the struggle over the Education Act of 1902, Beatrice Webb contrasted "teachers' politics," which was practiced by the N.U.T., with "teachers' diplomacy," which was practiced by the representatives of the "elite" secondary schools. "Teachers' politics" meant lobbying, deputations to ministers and M.P.s, and other forms of public pressure; "teachers' diplomacy" meant informal contacts with persons of influence on the part of secondary school teachers who in general belonged to the same social class. *New Statesman*, Vol. 5, "Special Supplement on English Teachers and their Organization," Sept. 25 and Oct. 2, 1915.

acceptance of the welfare state as developed by Labor after the war, while Labor has very largely receded from its old doctrinaire position on nationalization and economic planning.<sup>25</sup> Recent Tory budgets from 1951 to 1955 continued the steady increase in the amounts spent on the social services, housing, and education, and retained the heavy taxation of the well-to-do by which Labor financed the welfare state. With regard to economic controls, both parties accept certain basic forms, viz., those necessary to maintain full employment, protect the balance of payments, and encourage productivity. As a result, while significant differences remain, British parties today are in closer agreement on "fundamentals" than they have been for many years.

What are the effects on the activity of pressure groups? One is that they are not obliged to defend the basic legislation or policy on which depend the benefits they receive. Any government, they can be sure, will follow the same favorable policy toward them and their clientele. Also, to a very great extent pressure groups themselves demand no further major changes in policy or legislation. There is for instance, no thorny question between government and labor such as that presented by the Taft-Hartley Act. And indeed when the trade unions want a piece of legislation, such as the night baking or pneumoconiosis acts of 1954, they need hardly do more than suggest their desires to the government and action is taken. Even when there is a change of policy, as has occurred in the sphere of agriculture under the Tory Government, the basic pledges of the Act of 1947 of "guaranteed prices and assured markets" are upheld. Given this agreement on the basic code, the activity of each pressure group is mainly a matter of getting "more." Corresponding to this tactic of the pressure group is the tactic of the parties, which, as has been mentioned before, is essentially one of attempting to win marginal segments of voters by concessions of "more."

On the side of party tactics, then, we often see the parties making advances to groups toward which they have been unsympathetic or even hostile in the past. This may involve something like a "reversal of alliances," as leaders, taking for granted the votes of traditional supporters, sacrifice or skimp the interests of these for the sake of winning votes normally attached to the other party. More than a trace of this appears in the Conservative policy toward trade unions, as is suggested by complaints on the Tory right wing that for a Conservative Government they have been exceedingly free with employers' money in their attitude toward wage claims. But the relations of Labor with the farmers are an even better example. Here we have a capitalist class—indeed, if we follow Marx, the first of the capitalist classes to emerge in England—to whom, according to E. G. Gooch, the head of the agricultural workers' union, "Labcur in office proved to be their best friend."<sup>26</sup>

<sup>25</sup> For elaboration of this point, see D. E. Butler, "American Myths about British Political Parties," *Virginia Quarterly Review*, Vol. 31, pp. 46-56 (Winter, 1954); and S. H. Beer, "The Future of British Politics: An American View," *Political Quarterly*, Vol. 26, pp. 33-43 (Jan.-Mar., 1955).

<sup>26</sup> *Report of the 58th Annual Conference of the Labour Party* (London, 1953), p. 145.

Nor was Labor in Opposition ready to turn against the agrarian capitalist, as a parliamentary incident of the Fall of 1953 illustrates. Horticulture was left outside the guarantees of the Act of 1947 and the industry felt itself inadequately protected against foreign imports by the low duties carried over from prewar times and by the system of quotas imposed by the Ministry of Agriculture. In the administration of the quota system, there were the closest relations between the departments and the Central Horticultural Committee and other specialized committees of the Farmers' Union—which, for instance, closely associated the representatives of the producers of tomatoes with the ministry when the pattern of quotas was decided each year and enabled them in time of excessive imports to obtain a total embargo.<sup>27</sup> What was desired, however, was a system of higher duties, but this ran into GATT which prevented Britain from raising duties against foreign imports unless they were also raised against Commonwealth and Empire countries—the “no new preference rule.” Asserting the unimportance of horticultural imports from the Commonwealth and Empire, some said there was no good reason for not raising the tariffs against them. But this was not the way that doughty imperialist L. S. Amery and his considerable faction in the party looked at the matter.<sup>28</sup> Hence, the President of the Board of Trade was obliged in the Fall of 1953 to go to Geneva and get permission to raise these tariffs only against foreigners. Thereupon a Board of Trade order providing for increases upon 18 varieties of imported fruit and vegetables was laid before the House and put down for debate on December 10th.

What would Labor's position be? The main issue it was pressing at the time was the rising cost of living, as might have been expected from a party which found its main support among the less well-to-do urban consumers. On December 8th the Food and Agriculture Committee of the parliamentary party decided by a majority of one vote to oppose the increases. The resistance to this step was led by the chairman of the committee, the former Minister of Agriculture, Tom Williams, who said he would resign if the meeting of the parliamentary party as a whole did not reverse the decision. At that meeting the next day, Williams was strongly supported by E. G. Gooch and also by George Brown, former parliamentary secretary of the Ministry of Agriculture and a representative of the Transport workers, a union which also includes quite a few agricultural workers. The electoral angle was stressed by speakers who echoed Gooch's remark at the conference a couple of months before that “you cannot have a Labour Government again with overwhelming power until you win many rural seats.”<sup>29</sup> With only 117 of 294 Labor M.P.s voting, the committee decision was reversed 81–36 and on December 10th in the House the order went through with support from both parties.

<sup>27</sup> *Annual Report*. National Farmers' Union (London, 1953), *passim* and report of Glasshouse Produce Committee, pp. 78 ff.

<sup>28</sup> See his attack on GATT at the Conservative conference of 1953, *Verbatim Report*, p. 63.

<sup>29</sup> *Report*, p. 147.

The next day the Manchester *Guardian* accused the Government of yielding to "pressure from the National Farmers' Union," deplored Labor's "hypocrisy," and generally lamented "the infinite squeezability of politicians." At the annual meeting of the N.F.U. a few weeks later, Mr. Gardner, chairman of the Central Horticultural Committee, took full credit on behalf of the Union for the change in policy.

The other side of this tendency of parties to "reverse alliances" is the greater independence of pressure groups in relation to parties. It is sometimes thought that a distinction between American and British pressure groups is that the American are more independent of party, while the British are more likely to be closely attached to or even embodied in a party. This distinction would accord with a division in the electorate running more along the lines of economic class. But just as the division of the electorate between the two major parties today in Britain in terms of economic class is no greatly different from that between American parties outside the South, so also are some major pressure groups probably as independent of party as the American and certainly more independent than was the case in Britain during the interwar period.

Some stray elements of big business prefer Labor—two directors of Unilever are socialists—and there are not a few very rich men sitting as Labor M.P.s. It remains, however, that business and its organizations must strongly favor the Conservatives, now as in the past. With the trade unions, there has been a change. Not only have they, like business, lost many of their previous terrors of the party of the opposite class, but they also have received solid benefits and friendly treatment from the Tory Government. The extraordinary ease with which the railway workers succeeded in getting what they wanted in 1953 and 1954 is a case in point. One should not overrate the importance of the man or the seriousness of his intent, but at the Labor conference of 1953, the then chairman of the General Council of the T.U.C. advocated in an interview that the trade unions should withdraw from the Labor party and the T.U.C. should divest itself of its present political activities. A principal advantage, he claimed, would be that thereby the T.U.C. would be less embarrassed in its dealing with a Tory Government and with industrialists.<sup>20</sup>

The most marked change, however, has occurred with regard to the farmers. Before World War II, the National Farmers' Union, then having only about half its present membership, was substantially a pressure group within the Tory party. According to Jennings, its support was extremely useful to Tory candidates in rural areas, while both Laborites and Liberals were very hostile to it.<sup>21</sup> Like the trade unions, it had a political fund which it used to sponsor candidates, invariably Tories. During and since the war, its membership has doubled; its expert staff has been greatly enlarged; it has acquired for the first time a full-time president, who has held office since 1948; and in recent elections it has not sponsored candidates, instead encouraging its members to join the party of their choice and then try to get on the party selection committees

<sup>20</sup> *Manchester Guardian*, Oct. 2, 3, 19, and 29, 1953.

<sup>21</sup> *W. A. R. Jennings, Parliament* (Cambridge, Eng., 1939), pp. 211-12.



which choose parliamentary candidates. No one has any accurate idea of how British farmers vote, but it is not unlikely that as nationalization of land drops out of Labor's policy statements, quite a few—in some districts perhaps as many as 25 per cent—vote Labor. Many others are sufficiently independent to mean it when they threaten to abstain, if the government is not more considerate of their demands.

How are we to account for this convergence of party policies? Its effects today we have noted: as compared with the American pattern, the structure of the welfare state and the controlled economy associates pressure groups more closely with the administration and makes pressure groups more concerned with the decisions made at the administrative level. The agreement between parties frees pressure groups from the need to defend the basic policies favorable to them and enables them to be more independent of party. Furthermore, and this is perhaps the most important effect, the consensus on the values of the welfare state and controlled economy—e.g., the high importance of "security"—provides a favorable context within which pressure groups can urge their demands. But how did this convergence of party policy develop? Can we explain it, in turn, in terms of the operations of interest groups and their organizations or need we look at the problem on a different level of analysis from that of interest and group activity?

#### IV. EFFECT OF VALUES AND IDEOLOGY UPON INTERESTS

One of the compulsions tending to produce this convergence of policy proceeds from the balance of social forces which has emerged in Britain in recent years. By this I mean that today many groups in the society hold what is almost a veto over public policy in their power to refuse their work, their talents, their capital, or simply their willing cooperation in carrying out public policy. John Strachey squarely stated the problem for a future Labor Government when he observed that if such a Government came to power pledged to a radical redistributionist policy, there might well be a flight of capital.<sup>32</sup> But the threatening possibilities are not all on one side. An equally serious disturbance would face any Tory Government which attacked the welfare state. Trade unions as well as financiers and managers have a veto power, and in the years before 1951 the chances of widespread industrial unrest if a Tory Government came to power were held up as a warning to voters. In fact, these dangers did not materialize simply because the Tories yielded all along the line, even to the point of dropping the demands of their 1950 manifesto that "a final settlement" be arranged concerning "contracting out" and compulsory unionism. We can expect a future Labor Government to show a similar respect for realities.

In a more individualist society, where groups are less highly organized and less aware of their interests, it is more likely that important reforms can be put through even though enjoying the support of only a majority. But in Britain today the extent of group power, nurtured by the welfare state and the

<sup>32</sup> "The Powder and the Jam," *New Statesman and Nation*, Vol. 47, pp. 148-49 (Jan. 23, 1954).

quasi-corporatism of the relations of government and the economy, means that the country has come close to the point at which a society must move with near unanimity or not at all. The idea of a balance among social forces seems attractive. Yet there is a real danger that instead of promoting agreement and a convergence of policies, such a balance may produce the "pluralistic stagnation" of the later years of the Weimar Republic, or the *immobilisme* of France today. We may strongly suspect, therefore, that beyond the balance of social forces there are factors of integration which make this situation in Britain promote agreement rather than stagnation.

A similar conclusion is suggested if we examine the effects of the present electoral situation, in which the voters are not overwhelmingly in favor of one of the parties. Such a division in itself may discourage radicalism or reaction and this effect is heightened when we examine how the situation itself has arisen. The principal development was the reform of Tory policy following upon the smashing defeat of 1945 and the welcome with which the fundamental measures of the welfare state were received by the electorate. In this reform of policy we see a familiar mechanism: the leaders of the party, thinking of the problem of winning votes, bring along the rank and file—against the resistance of some of the militants—in an acceptance of measures proved to be popular by the Opposition. This move—led mainly by Butler, Eden, and Macmillan—began soon after the defeat of 1945, centered even more around the question of accepting the heavy taxation involved by the welfare state than around nationalization, and was clinched by the acceptance of the *Industrial Charter* at the Brighton conference of 1947. Nor did it cease then, but continued on into the period of the Tory Government—as in the numerous concessions to pressure groups since 1951. Labor, perhaps because it had not, until the 1955 General Election, suffered a severe defeat, has made its corresponding movement to the right with less internal agreement in the party. Yet that shift has taken place and again one of the best illustrations is the party's tortuous wooing of the farmers—in spite of the fact that nationalization of land was one of the earliest of the doctrines of the socialism which it espouses.

The mechanism of electoral competition can be clearly observed, but how far does it take us in explaining the present general acceptance of the welfare state and the controlled economy? This competition is carried on within a cultural context which limits and guides what politicians will offer in their bids for votes and what demands groups will assert with expectation of finding support. We need, therefore, to look at the ideological and evaluative factors in the situation and their relationship to interests.<sup>33</sup>

<sup>33</sup> The terms "value" and "ideology" are used in the senses given them by Talcott Parsons in his *Social System* (Glencoe, 1951), *passim* and esp. at pp. 12 and 349. A value is a standard for selection among the alternatives which are intrinsically open in a situation and may be cognitive, appreciative, or moral. Following Parsons, I distinguish between values and need-dispositions (*ibid.*, pp. 12-13). This distinction is important because values have the function of integrating social action not only directly, but also indirectly by conditioning need-dispositions. Without such integration a stable society would be impossible. Similarly, a principal theme of this article is the integrative function of values in the political system.

In Britain one of the most important changes on the plane of ideology has been the Keynesian "revolution" in economics. Without entering into the important controversies which concern economists who accept the broad framework of Keynesian thought, we can see that the main principles of Keynesianism have profoundly altered people's ideas of what government can do by way of comprehensive control of the economy. In 1929, when Britain was suffering from the chronic unemployment which had continued from the postwar slump, the then Chancellor of the Exchequer, Winston Churchill, could rest his budgetary policy on "the orthodox Treasury doctrine, which has steadfastly held that, whatever might be the political or social advantages, very little additional employment and no permanent additional employment can, in fact, and as a general rule, be created by State borrowing and State expenditure."<sup>24</sup>

Not only the "Treasury view," but also the ideas of active political circles have been liberated by Keynes from that doctrine. That government can act effectively to maintain economic equilibrium in the form of full, or near-full, employment without inflation is a belief which any government in Britain today will accept. Moreover, this belief in more or less simplified form has penetrated widely throughout the electorate. There is no doubt some very small number of voters who reject the ideology on which it is based: the Marxists, for example, and possibly some few remaining adherents of strict laissez-faire, such as the late Sir Waldron Smithers. Whether every member of the British electorate accepts it, however, is not particularly important. The relevant fact is that it is accepted by people of different parties and various interest groups and constitutes part of the framework of common belief within which they carry on their activities.


Keynesianism is not simply the belief of a group; it is part of the ideology of substantially the whole political community. Within the collectivity defined by its acceptance, it limits and guides what groups will demand of government and provides a commonly accepted standard by which demands of groups can be judged. To a significant extent, for instance, wage earners themselves understand the probability that wage increases will heighten inflation, endanger the balance of payments, and threaten their own and others' economic wellbeing.

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The meaning I give to "interest" is based on Parsons' concept of need-disposition. Like a need-disposition, an interest is not simply "appetite," a genetically given need, but is appetite conditioned by social experience. Appreciative values, for instance, will condition the objects in which the ego seeks its gratification—e.g., the profit motive is not inborn—and will be more or less integrated with the developing moral values of a society—e.g., the rise of the moral values of the welfare state will enhance the desire of individuals and groups for economic security. Also, moral values may directly encourage or inhibit the assertion of felt needs. As John Plamenatz has pointed out in a perceptive note, people are not likely to assert demands for the satisfaction of needs unless they believe them to be justifiable. "Interests," *Journal of Political Studies*, Vol. 2, pp. 1-8 (Feb., 1954).

Yet an interest remains a claim for a satisfaction of the individual, or of the smaller collectivity as distinguished from the larger within which the claim is asserted. While, therefore, interests and values are closely related, the interests pursued within a political system must be distinguished from the primary integrative elements of the system, its values.

<sup>24</sup> 227 H. C. Deb. 54 (April 15, 1929).



Such understanding was one factor which made possible the "austerity" policy, the "wage freeze," and the continued budgetary surpluses of today.

"Vulgar" Keynesianism is not the only new element in the economic ideology of the British political community. To locate the other elements, we should need to go back to the development of a knowledge of economic controls which began with the "neo-mercantilist" economic policy of the National Government,<sup>35</sup> went rapidly forward under the tightly planned economy of the war, and has been added to and modified in the postwar years. The general understanding of what government can do to control foreign exchange, the volume of imports, and capital investment has been immensely expanded since the days when the Labor Government sat by impotently while the Great Depression of 1929 swept over the British economy. It is hard to believe today that one of the most doctrinaire socialists in that Cabinet and its Chancellor of the Exchequer, Philip Snowden, was also a firm believer in the gold standard, a balanced budget, and absolute free trade. With respect to the practices of economic nationalism, British socialism has accepted as much from the Tories as they have accepted from it. The familiar formula that the radical party in Britain leads while the conservatives merely follow along and consolidate, is only a half-truth.

No less important than ideology are the new values which have developed and which support the general consensus on the welfare state and the controlled economy. These are primarily political in that they define the role and goals of government and the rights and obligations of individuals and groups in relation to government. Inseparable from these political values are new moral and appreciative standards. Supporting the welfare state policy of income redistribution, for instance, are moral standards which have redefined the rights and obligations of private property. The new obligations are discharged largely through government, but in some cases—e.g., the relations of employers and wage-earners—they are expressed in direct relations between two groups. In some respects, also, these moral standards ease the obligations of property; in the welfare state, for instance, the charitable activities of voluntary associations are not felt to have the same claim they had formerly.<sup>36</sup>

In accord with these developing political and moral values, appreciative standards show a movement away from the aspirations and standards of success of the era of a more vigorous capitalism. A sociologist friend of mine touched on this point while summarizing the results of a social survey he had just concluded. The working classes generally he said, as they improve their material conditions, adopt the consumption habits of the lower-middle classes. For instance, they not only leave the tenements of the slums, but also reject life in so collectivist a habitation as an apartment house, preferring their own "semi-detached villas." They do not, however, adopt the familiar middle-class

<sup>35</sup> See Joseph Schumpeter, *Capitalism, Socialism and Democracy*, 2nd ed. (London, 1947), pp. 568-70.

<sup>36</sup> For discussion of this and other problems of the voluntary association in the welfare state, see Lord Beveridge, *Voluntary Action* (London, 1948).

aspiration to own a shop or business. On the contrary, they prefer to remain wage-earners, rather look down on the small shopkeeper, and use their surplus energies to ensure that they get the maximum possible benefits from the welfare state.

When a British author finds a likeness between the new Britain and the United States except "in the case of personal acquisitiveness,"<sup>27</sup> this is a major exception. In all classes, if my experience is a fair guide, the profit motive is under such a cloud as would be inconceivable in the United States. Along with this decline of interest in capitalistic acquisitiveness, has gone a complementary rise in the evaluation of and concern for "security."

The point to be made here is how this change helps explain certain characteristics of British pressure groups and especially certain significant differences of their behavior from that of pressure groups in the United States. One of the problems in the study of the Farmers' Union, for instance, is how it manages to keep the large and more efficient farmers working in harmony with the small and less efficient farmers. In quite important ways, the policies of the Union seem in the postwar years to have shown a bias toward the small and inefficient and against the large and efficient. Yet it is rare that one finds evidence of disharmony or disagreement—in striking contrast, of course, with American experience.

A particularly puzzling example occurred in the autumn of 1953, when the Union was carrying on its prolonged negotiations with the government over the new arrangements for meat marketing. Without going into the technical details of the Union's proposal, we need note merely that in return for guaranteed prices for their meat, the producers were ready to turn over all profit on sales above those prices to the government.<sup>28</sup> The arrangement would have been clearly unfavorable to the high-quality producer, yet the proposal had been framed and put forward by the Union without significant protest from its branches and its members. When an explanation was asked for, the apparent conflict of interest between large and small producer was recognized, but again and again it was stressed that even the large and efficient producers were more concerned with security than with the opportunity to make large, but risky, profits.

The modification of interest by value is perhaps the most interesting aspect of these developments for the student of pressure groups. For the sake of the stability of the political system, it is fortunate that such a modification has taken place. Otherwise, the strain between new values and old interests might be excessive. But values and ideology, of course, have other functions in this situation. In general, they order interests in the estimation of the members of the political collectivity, excluding some potential demands from public utterance, raising others up from previous exclusion, changing the priorities attached to certain interests, heightening or lowering the intensity with which they may

<sup>27</sup> Donald Chapman, "What Prospect for the Labour Party?," *The Political Quarterly*, Vol. 25, pp. 205-16 (July-Sept., 1954).

<sup>28</sup> *Manchester Guardian*, Oct. 16, 1953, p. 12.

be asserted. It is in the different pattern of these cultural elements that the American senses the profoundly different "atmosphere" of British pressure politics.

The present convergence of party policy expresses this consensus on new values and ideology. Not only does this consensus affect the intrinsic nature of the interests asserted and provide an integrating framework within which the electoral competition and the struggle of pressure groups is carried on; it also has a somewhat similar function with regard to the balance of social forces. "Objectively" considered, the interest groups of Britain today are in many ways similar to those of Weimar Germany. Yet instead of "pluralistic stagnation," we find a highly cooperative society and an effective system of government.

#### V. THE ENDURING CONSENSUS OF BRITISH POLITICS

Interest groups, far from explaining the present consensus of British politics, have themselves been significantly affected by it. How then are we to explain the cultural development which produced that consensus and through it the present convergence of policy? Obviously the analysis of such a development is complicated. Here one or two angles may be examined which are suggested by the comparative approach.

A part of the underlying mechanism is laid bare when we examine certain of the justifications which were used by Tory leaders when they were leading the way in the reform of party policy after 1945. At the conference of 1947, for instance, in the debate on the motion which the opponents of the new policy had chosen for their principal attack, Mr. Eden stood up for the reformist side. In his peroration, he proclaimed the party's belief in "a property-owning democracy," "the family," and "the Christian virtues." Then came an interesting passage:

We are not a Party of unbridled, brutal capitalism and never have been. Although we believe in personal responsibility and personal initiative in business, we are not the political children of the laissez-faire school. We opposed them decade after decade.

Where did the Tories stand when the greed and avarice of the industrial revolution were darkening the land? I am content with Keir Hardie's testimony: "As a matter of hard dry fact, from which there can be no getting away, there is more labour legislation standing to the credit account of the Conservative Party on the Statute Book than there is to that of their opponents."<sup>20</sup>

The note which Eden struck was what some call "Tory democracy" and others "Disraelian make-believe." It was not, at any rate, a note one would expect to be sounded by a prominent Republican leader at a party convention—even in the bad, old days of Democratic majorities. Yet in the postwar period one finds it running through the programs and pamphlets of the Conservative party and the speeches of its leaders and back-benchers, such as the members of the "One Nation" group. These themes of "Disraelian make-believe" are at least a means of sweetening with "Tory principles" the harsh lessons of electoral

<sup>20</sup> *Verbatim Report of the Proceedings of the 68th Annual Conference*, Oct. 2-4 1947. National Union of Conservative and Unionist Associations (London, 1947), pp. 42-43.

defeat. The delegates at a Tory conference are hardly cheered by the thought of heavy taxation of the middle classes. Yet their potential complaints can be converted to silence and even into mild applause by the appeal to these themes<sup>40</sup> which would be received with bewilderment by a Republican partisan gathering.

\* That these themes are effective with the active members of the party indicates that they have some real part in the operative ideals of the party. Nor does the evidence support the notion that party leaders are not genuinely moved by them. In fact the Tory party does have a long history of social reform and the intimate memoirs, as well as the domestic policies, of leaders such as Baldwin and Neville Chamberlain indicate that their readiness to fight socialism with the weapons of socialism sprang from more than political expediency.<sup>41</sup> In short, there is a real and long-standing difference between British conservatism and American conservatism—in spite of Russell Kirk's efforts in the contrary sense.

Comparison with the operative ideals of American politics, however, suggests an even broader contrast. In his study of the liberal tradition in America, Louis Hartz has elicited important aspects of this contrast.<sup>42</sup> His thesis—to which I can merely refer here—hinges on the fact that the absence of a 'feudal' tradition in this country has made the premises of our political action radically different from those of Europe, and so, of course, from those of British politics. Lacking such a tradition and a true aristocracy to embody it, we have not undergone the experience of class conflict between an aristocracy and a bourgeois middle class and have not had the sense of class which such a tradition and such a conflict have perpetuated in Britain. American politics, therefore, lacks the British ideology which defines the political situation in terms of class and guides interests in the direction of class solidarity. Such an hypothesis, for instance, helps us understand why the interests of workingmen could not be satisfied by Lib-Lab reform, but were drawn off into the formation of a party of class. In contrast, American politics, whatever the party, is dominated by a "Lockean liberalism" which greatly impedes the development of a strong socialist movement just as it has excluded a conservatism of the British type. Our politics, therefore, is a politics in which virtually all contending groups accept the premises of "democratic capitalism," while the politics of Britain

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<sup>40</sup> For example, at the 1953 conference, when a resolution was moved welcoming "the reduction in taxation already made" and urging "further economies in national expenditure," an addendum was offered specifying that this should be done "whilst maintaining and improving the social services." While the supporters of the original resolution were interrupted several times by hearty applause—for example, when asking for cuts in the housing subsidies—those supporting the addendum were heard in silence. Nevertheless, they met with no opposition and were mildly applauded at the end of their speeches; the addendum was accepted by the original movers and the resolution as amended passed unanimously. *Verbatim Report*, pp. 43–49.

<sup>41</sup> See Keith Feiling, *Life of Neville Chamberlain* (London, 1947), and on Baldwin, Thomas Jones, *A Diary with Letters, 1931–1950* (London, 1954).

<sup>42</sup> *The Liberal Tradition in America* (New York, 1955).

and Europe tends to center around class conflicts which may bring in question fundamentals of the social order.

Not incompatible with Hartz' analysis is a further point which I should like to suggest. Granting that at times—such as the interwar years—British parties were in this sense more deeply divided than American parties have been in recent generations, it is also possible to discern in their differing positions a certain consensus which stands in contrast with the "Lockean" consensus of American politics. In the Tory tradition, as has often been remarked, there is a strong strain of paternalism and a certain "organic" view of society radically opposed to rugged individualism. Yet, within limits, these operative ideals of government responsibility and social solidarity are, and have been, accepted by British socialists. They too would agree with Burke on that un-American proposition that "government is a contrivance of human wisdom to provide for human wants" and that "men have a right that those wants shall be provided for by this wisdom." The "collectivism" of the late 19th century Herbert Spencer rightly called "the New Toryism." If we may use the names of political philosophers as symbols of these complex attitudes, we may say that both British parties fall within the values and ideology of Hooker rather than those of Locke.

It follows that not only were the interests of workingmen colored by class consciousness, but also the doctrines of the party which they produced provided for wide government responsibility and an enforcement of heavy obligations of individuals to one another. In its elements of class consciousness, the British political tradition provides foci around which sharp cleavages of political doctrine may crystallize. That same tradition, however, also contains certain enduring elements of consensus which may encourage the convergence of these opposing doctrines. In promoting the present consensus on the welfare state and the controlled economy, this broader consensus seems to have played an important part.

In this process, British parties have been not only coalitions of interest groups, but also bearers of the values of classes and of the collectivity. They have not, however, merely reflected changing values, but have taken an active part in their development and propagation. In the interwar years, for instance, objective economic developments, such as unemployment and Britain's declining international position, were the immediate stimulus to political action. The interests of groups—e.g., the farmers' demands for tariffs or the trade unions' demands that unemployment benefits be maintained—were "data" of the situation facing political leaders. One cannot, however, reduce the policies of the parties to reflections of such interests or mechanical combinations of them. Thought and research did a good deal to give direction and shape to interests which were often in themselves confused and formless. The work of the Fabians is an example; so also is the contribution of the research department of the Conservative party, which Neville Chamberlain set up in 1929 and which he used in developing the "great policy" of protection and imperial preference. Furthermore, the Tory tradition with its emphasis upon nation and Empire



served to give direction to policies which party leaders developed in an effort to solve the objective problems and to win and maintain the electoral support of interest groups. The controlled economy of Britain today owes as much to these Tory innovations as to the proposals or experience of Labor.

Often the consequent government action greatly stimulated the growth of pressure groups (as in the case of the Farmers' Union), or even called them into existence (as was often the case with trade associations). In such cases, the initiating influence in policy came from the government, after which the interest group, having been given a definition of its interests and perhaps also a vehicle for expressing them, took up the task of pressing its claims upon government. Important as pressure groups have been in British politics, we cannot think of them as making policy by pushing an inert government or party this way and that. There has been interplay; and again and again government has taken the initiative, thereby crystallizing a latent interest and stirring it into political action. Individual leaders, of whom Lloyd George is an outstanding example, may perform a similar function.

If the Tory emphasis was on the side of foreign economic policy, that of Labor was on the side of internal welfare policy. How the interests of the trade unions combined with the intellectual socialism of the Fabians and the emotional socialism of the I.L.P. to produce the doctrines of the welfare state need not be gone into here. The point is that in the case of Labor doctrine as well as Tory doctrine there was development. Moreover, the Tories also had a concern with welfare policy, just as Labor had proposals for a planned economy. To this extent, therefore, the possibility was open for each to adopt from the other more precise policies in fields where it had not fully elaborated its views. Hence, on the plane of party doctrine, as well as that of ideology and values, conditions favoring a convergence of policies existed. Given these favoring elements in the cultural context, the mechanism of electoral competition would tend to bring about a convergence of party policies. Responding to such guidance of public opinion by party competition, the nature and pattern of interests in the society itself were modified, in turn providing support for the emerging consensus of the political community.

Again, it must be said that the whole process was more complicated than this sketch can suggest and that it has not by any means erased all significant differences between the parties. It is worth observing in conclusion, however, that during the past two or three generations British politics, in dealing with the broad problem of social insecurity, has framed and solved a great problem in a characteristically British way. The cycle of economic change—class war—renewed consensus has occurred at least once before in British history. Just about a hundred years ago, British politics and British society, after a period of economic revolution and bitter class strife, settled down to what some historians call "the Victorian compromise." The present "Elizabethan compromise" has been achieved through similar political and cultural mechanisms. It may also introduce a period not unlike that when Disraeli and Gladstone alternately were victors in a vigorous, but not embittered struggle for the highest political power.

## POLITICS AND RELIGION: LUTHER'S SIMPLISTIC IMPEATIVE

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### I

The encounter between the human mind and the outside world is the essence of speculation. The dramatic element in the encounter has been provided by man's assertion that mind is capable of comprehending and ordering the world about him. This same "epistemological presumptuousness," which we associate instinctively with the spectacular successes of the natural sciences, has also been implicit in the enterprise of political theory. Here, too, the claim is that the human intellect can understand all of the complex interrelationships of a political order. In some ways this claim is even more assertive than that of the natural scientist. The theorist seeks not only to analyze and explain certain phenomena, but to prescribe more satisfactory patterns.

Given the complexity of the subject matter of politics and the finite character of the human mind, it is not surprising that the ideas of political theorists lend themselves to diverse interpretations at the hands of later commentators. Disagreement in interpretation, however, can take one of two forms: it may turn on a question concerning a particular idea, meaning, or emphasis; or it may find the interpreters taking diametrically opposed positions concerning the basic tendency of a given set of political ideas. An example of the first type would be the interpretation of Locke's theory of property. The second type, which is apt to be more embittered, is illustrated by the current controversy over Plato. The case of Luther also falls under this second category. One product of the remarkable renaissance in Lutheran studies over the past half-century has been a wide disagreement over the political tendencies of Luther's ideas. One group has tended to identify Luther with the stirrings of democracy and individualism associated with the Reformation, while another has taken the opposite position that his ideas directly fostered state absolutism in politics and state control of churches.<sup>1</sup> Both groups have been inclined to stress different aspects of Luther's thought. The image of Luther the libertarian has been constructed mainly out of the materials of his religious ideas; Luther the absolutist has been fashioned primarily from his political writings.

<sup>1</sup> The following are representative of those writers who see in Luther's writings various liberal or democratic ideas: James Mackinnon, *Luther and the Reformation*, 4 vols. (London 1925-1930), Vol. 2, pp. 93-97, 331; Werner Elert, *Mythologie des Luthertums*, 2 vols. (Munich, 1932), Vol. 2, p. 296; John T. McNeill, "Natural Law in the Thought of Luther," *Church History*, Vol. 11, pp. 211-28 (Sept., 1941). Representative of those who link Luther to absolutism are: Lord Acton, *Essays on Freedom and Power*, ed. Gertrude Himmelfarb (Boston, 1948), pp. 69, 94-96; John Neville Figgis, *Studies of Political Thought from Gerson to Grotius, 1414-1685*, 2nd ed. (Cambridge, 1937), Lecture III; Pierre Mesnard, *L'essor de la philosophie politique au XVI<sup>e</sup> siècle*, 2nd ed. (Paris, 1952), pp. 229-35; Ernst Troeltsch, *The Social Teachings of the Christian Churches*, trans. Olive Wyon, 2 vols. (London, 1931), Vol. 1, p. 552.

In both instances, however, something less than full justice has been done to the unity of Luther's thought. Moreover, the sharp contrast between the two images evokes the suspicion that each has been, to an extent, artificially contrived. This points to the possibility, which we wish to explore here, that Luther's political authoritarianism was closely related to the so-called "democratic" aspects of his religious ideas. By examining the inner relations between the two, some glimpse of the unity, if not the consistency, of Luther's thought is possible. By way of a *caveat*, the unity in question is not to be found in the systematic character of Luther's thought; if his theology was formless, we can expect at least the same in his politics. The two sides of Luther's thought were unified, first, by the way in which his political ideas presupposed his religious beliefs and by the extent to which the one "fed," so to speak, on the other; and, second, by a common impulse or imperative which was at work in both his religious and his political thinking. This aspect we shall call the "simplistic imperative": the desire to reduce "reality" to its simplest components by sloughing off the complications which appear to obscure "reality" and to have no integral relationship with it. In its religious form, the imperative grew out of Luther's insistence that "the word of God, which teaches full freedom, should not and must not be fettered."<sup>2</sup> In its political form, it worked to release secular authority from traditional restraints and inhibitions.

Before turning to these problems, a preliminary difficulty must be disposed of. It has been argued by some commentators that Luther's thought, from beginning to end, was motivated solely by religious concerns and that, therefore, his outlook was fundamentally non-political. In the words of one recent writer, Luther "was first of all a theologian and a preacher," hence "he never developed a consistent political philosophy and knew little about the theories underlying the formation of national states in western Europe."<sup>3</sup> While it would be fruitless to deny the primacy of theological elements in Luther's thought, it is misleading to conclude on that account that politics was an alien concern. Luther himself held no such modest view of his own political acumen. Prior to his own writings, he declared, "no one had taught, no one had heard, and no one knew anything about temporal government, whence it came, what its office and work was, or how it ought to serve God."<sup>4</sup> Underlying this exaggeration

<sup>2</sup> *Reformation Writings of Martin Luther*, ed. Bertram Lee Woolf (London, 1952), Vol. 1, p. 345. Only the first volume has thus far appeared. Hereinafter this will be cited as Woolf, Vol. 1.

<sup>3</sup> Harold J. Grimm, "Luther's Conception of Territorial and National Loyalty," *Church History*, Vol. 17, pp. 79-94, at p. 82 (June, 1948). Substantially the same point is made by John W. Allen, *A History of Political Thought in the Sixteenth Century*, 2nd ed. (London, 1941), p. 15; and by Preserved Smith, *Life and Letters of Martin Luther*, 2nd ed. (Boston and New York, 1914), pp. 214, 228; and Mackinnon, *op. cit.*, Vol. 2, p. 229. Ernest G. Schwiebert has argued that Luther wrote essentially as a theologian, but that his political ideas derived largely from mediaeval sources. See "The Medieval Patterns in Luther's Views of the State," *Church History*, Vol. 12, pp. 98-117 (June, 1945).

<sup>4</sup> *Works of Martin Luther*, ed. Charles M. Jacobs, 6 vols. (Philadelphia, 1915-1932), Vol. 5, p. 81. Hereinafter this will be cited as *Works*.

was the implicit assumption that a religious reformer could not avoid political speculation. The extraordinary intermixture of religion and politics in that period compelled him to think about politics and even to think politically in religious matters. It was at once Luther's insight, as well as the source of a good many of his later difficulties, that he understood that religious reforms could not be undertaken in utter disregard of political considerations. It was exactly this lesson which many of the sectarians ignored at great cost. The problems in Luther's political thought were not the product of a monumental indifference toward politics, but arose from the "split" nature of a political attitude which oscillated between a disdainful and a frenetic interest in politics and sometimes combined both.

While the historical entanglements of politics and religion in the sixteenth century contributed in no small measure to Luther's political consciousness, an even more influential factor lay in the nature of the religious institutions which he attacked. His great anti-papal polemics of 1520 were directed against an ecclesiastical institution which, to the sixteenth-century mind, had come to epitomize organized power. The nature of the Papacy invited an indictment framed in political terms. Luther's writings of 1520 provide impressive evidence that he clearly recognized the issue to be one involving the power of an ecclesiastical polity. In the first place, the vocabulary employed was heavily sprinkled with phrases and imagery rich in political connotations. The sacramental practices of the priesthood were attacked as "oppressive" (*tyrannicum*) in that they denied the believer's "right" (*ius*) to full participation. The Papacy was denounced as the "tyranny of Rome" (*Romanum tyrannidem*), a "Roman dictatorship" (*Romana tyrannis*), to which Christians ought to "refuse consent" (*nec consentiremus*). The demand was then raised for the restoration of "our noble Christian liberty." "Each man should be allowed his free choice in seeking and using the sacrament . . . the tyrant exercises his despotism and compels us to accept one kind only."<sup>5</sup>

The political note became more pronounced as Luther went on to accuse the Papacy of ecclesiastical tyranny: the Papacy had arbitrarily legislated new articles of faith and ritual. When its authority had been challenged, it had sought refuge in the argument that papal power was unbound by any law. Moreover, the temporal pretensions of the Papacy had not only endangered the spiritual mission of the Church, but also damaged the effectiveness of secular authority by confusing secular and spiritual jurisdictions.<sup>3</sup> The usurpation of temporal power had permitted the Popes to advance their temporal claims under the guise of a spiritual mission, and, at the same time, to pervert their spiritual responsibilities by treating them politically. On this latter score, the

<sup>5</sup> "... cuique suum arbitrium petendi utendique relinqueretur, sicut in baptismo et potentia relinquitur. At nunc cogit singulis annis unam speciem accipi eadem tyrannide . . ." *L. Martin Luther Werke* (Weimar Ausgabe, 1888-), Vol. 6, p. 507; Woolf, Vol. 1, pp. 223-24.

<sup>6</sup> Woolf, Vol. 1, pp. 127-28, 162.

sale of indulgences, the annates, the proliferation of the papal bureaucracy, and the control over ecclesiastical appointments had as their objective, not religious considerations, but the enhancement of the political power of the Papacy. The Pope had ceased "to be a bishop and has become a dictator."<sup>7</sup>

During these early years Luther was prepared to accept the perpetuation of the Papacy on a reformed basis. His criticisms were founded on the assumptions that religion and politics constituted two distinct realms within the *corpus christianum*; that each realm required its own form of ruling authority; and that while rulership might be either of a religious or of a political type, it ought not to be both. Despite these distinctions, Luther's program for papal reform carried strong political overtones in that it was basically a demand for ecclesiastical constitutionalism and owed not a little to conciliarist inspiration.<sup>8</sup> The Pope was to exchange the role of despot for that of constitutional monarch. Henceforth his power was to be bounded by the fundamentals of Christianity and he could no longer legislate new articles of faith. Thus the teachings contained in Scripture were to be observed in much the same way as a fundamental law: they performed the function of a doctrinal constitution limiting the power of the popes.<sup>9</sup> To the papal argument that such institutional tinkering was blasphemous in that it would allow unclean hands to tamper with a divine institution, Luther responded that the Papacy itself was of human fabrication and hence susceptible of improvement.

The political element in Luther's case received further emphasis in the remedies he prescribed for dealing with a Pope who refused to recognize the bounds of his authority. If a Pope persisted in violating the clear injunctions of Scripture, then Christians were obligated to follow the fundamental law of Scripture and to ignore the papal commands.<sup>10</sup> Parenthetically it should be noted that this was the same formula employed later by Luther in dealing with secular rulers whose commands ran counter to Scripture. But in one particular Luther was prepared to counsel measures more drastic than anything he proposed against secular rulers. In an argument more political than scriptural, he contended that the Papacy might be forcibly resisted. "The Church has no authority except to promote the greater good." If any Pope were to block reforms, then "we must resist that power with life and limb, and might and main."<sup>11</sup>

Although Luther later retracted this and other more sanguinary exhorta-

<sup>7</sup> *Ibid.*, p. 224.

<sup>8</sup> Luther had read and admired Gerson, D'Ailly, and Dietrich of Niem. He does not appear to have been acquainted with the conciliarist side of Occam's thought. For a general discussion of these matters see Mackinnon, *op. cit.*, Vol. 1, pp. 20-21, 135; Vol. 2, pp. 228-29.

<sup>9</sup> Woolf, Vol. 1, pp. 224-25; *Works*, Vol. 1, p. 391; *Luther's Correspondence and Other Contemporary Letters*, ed. Preserved Smith and Charles M. Jacobs, 2 vols. (Philadelphia, 1918), Vol. 1, p. 156.

<sup>10</sup> Woolf, Vol. 1, p. 121.

<sup>11</sup> *Ibid.* p. 123; *Werke* (Weimar Ausgabe), Vol. 2, pp. 447-49.

tions,<sup>12</sup> the political element reached a climax when Luther prescribed for the condition *in extremis* where the Papacy blocked all efforts towards reform. Secular authorities possessed the right and the responsibility to initiate the processes of reform:

Therefore, when need requires it, and the pope is acting harmfully to Christian well-being, let any one who is a true member of the Christian community as a whole take steps as early as possible to bring about a genuinely free council. No one is so able to do this as the secular authorities, especially since they are all fellow Christians, fellow priests, similarly religious, and of similar authority in all respects.<sup>13</sup>

Despite the acerbity displayed in Luther's writings of this period, their revolutionary quality was blunted by the reliance on conciliarist arguments. He looked to a combination of secular initiative and conciliar reforms to restore the purity of the Papacy. In place of papal supremacy he relied partly on the older notion of the conciliarists that the Church was a *societas perfecta*, a self-sufficient society containing its own authority, rules, and procedures for regulating the common spiritual life of its members. According to this conception, the Church contained within itself the necessary resources for remedying any ills or grievances which might afflict it.

These conciliarist arguments worked to obscure two emergent aspects of Luther's thought: the reliance on secular authority and the bias against institutions. As long as he placed his hopes in a Church Council as the agency of reform, the secular ruler was reduced to secondary importance. But once this avenue of reform was closed off, the choice was automatically narrowed down to the secular ruler. When this stage was reached, the idea of the Church as a *societas perfecta* was dropped; the revitalization of its spiritual life was now held to depend on an external agency.

Similarly, as long as Luther adhered to a conciliarist position, and as long as he attributed some utility to the Papacy, the revolutionary quality of his theory of the Church would remain muted. But once he had broken with Pope and Council, the doctrine of the "priesthood of all believers" would assume central importance and the Lutheran conception of the Church would become clearer. Both of these developments, the reliance upon secular rulers and the Lutheran idea of the Church, were interrelated dialectically, in that Luther's quest for the "real" in religious experience led him to dismiss ecclesiastical institutions and to magnify the political institutions of the ruler. It is only partly correct to attribute Luther's emphasis on secular authority to the desperate plight of a reformer who had no alternative but to appeal to that quarter. Nor is it correct to view his extreme utterances during the Peasants' War as marking a sudden discovery of the absolute power of secular princes. There is sufficient evidence to indicate that he held a high opinion of secular authority before the peasant outbreaks. Instead, the emphasis on secular power should be viewed

<sup>12</sup> For a further discussion see Roland H. Bainton, *Here I Stand. A Life of Martin Luther*, Mentor edition (New York, 1955), pp. 115-16; Ernest G. Schrieber, *Luther and His Times* (St. Louis, 1950), pp. 464 ff.

<sup>13</sup> Woolf, Vol. 1, pp. 122, 167.

as the outgrowth of the deepening radicalism of his religious convictions, which lent additional weight to a pre-existing respect for the power of temporal rulers.

Once this is grasped, Luther's later dilemma becomes more understandable: the secular powers, whose assistance he had invoked in the struggle for religious reform, began to assume the form of a sorcerer's apprentice threatening religion with a new type of institutional control. The sources of this dilemma lay in the disequilibrium which had developed between his theory of the Church and his theory of political authority. In the early years of his opposition to the Papacy, he did not disavow the central argument of the papalists that spiritual affairs required a ruling head. Thus, although he disagreed with the papalists over the nature of that office, his thinking preserved the mediaeval tradition of a distinctive set of ecclesiastical institutions which might offset the thrusts of temporal powers. But as his views matured into a flat rejection of the Papacy and of the entire hierarchical structure of the Church, the whole idea of a counter-vailing authority was naturally dropped. The tie between religious beliefs and religious institutions was severed; at this stage of his thought Church organization was regarded as an impediment to true belief. Concurrently with these developments in Luther's conception of the Church, his doctrine of political authority had evolved towards a more enlarged view of the functions and authority of rulers. The rulers were now entrusted with some of the religious prerogatives previously belonging to the Pope.<sup>14</sup> Thus while institutional authority was being erased in the religious sphere, it was being underscored in the political.

It was at this point that the supreme difficulty arose. In his later years Luther began to pay increasing attention to the need for religious organization, a need which he had earlier minimized. But for practical reasons this could not be accomplished except by calling in the secular authorities whose power he had consistently exalted. The institutional weakness of the Church made it no match for the secular power which Luther had rationalized. The end-product was the territorial Church (*Landeskirche*).

Luther's elevation of political authority, then, was closely connected with his idea of the Church. The latter, in turn, was an outgrowth of his conception of religion; hence something must be said about his religious doctrines and their bearing upon his ecclesiasticism and politics.

In Luther's theology, the supreme vocation of man consisted in preparing for God's free gift of grace. Religious experience centered around an intensely personal communication between the individual and God; the authenticity of the experience depended upon the uninhibited directness of the relationship. Good works, therefore, were irrelevant, for they involved relationships with

<sup>14</sup> In this connection Luther's letter to John, Elector of Saxony, was significant: "There is no fear of God and no discipline any longer, for the papal ban is abolished and everyone does what he will. . . . But now the enforced rule of the Pope and the clergy is at an end in your Grace's dominions, and all the monasteries and foundations fall into your Grace's hands as the ruler, the duty and difficulty of setting these things in order comes with them." Smith and Jacobs, *op. cit.*, Vol. 2, p. 383. On several occasions Luther was to lament the release of the rulers from papal controls. See *Works*, Vol. 4, pp. 287-89.

men and things. Similarly, the ministrations of an ecclesiastical hierarchy and the full sacramental system were both useless and dangerous; they only multiplied the intermediaries between God and man and raised the inference that there existed a substitute for faith. In sum everything which stood between God and man had to be eliminated; the only true mediators were Christ and Scripture.

Against this backdrop Luther's famous metaphor of the "three walls" surrounding the Papacy was symbolic of the dominant driving force in his religious thought: the compulsion to erase and level all that interfered with the right relationship between God and man. The significance of this "simplistic imperative" lies in the variety of ways in which it was expressed: political, intellectual, as well as religious. Intellectually it took the form of a nearly total rejection of the mediaeval philosophical tradition. It was not a rejection steeped in ignorance, but one flowing from a deep conviction that centuries of philosophy had worked to pervert the meaning of Scripture and to support the pretensions of the Papacy.<sup>15</sup> The influence of Aristotle was declared to be pernicious; the christianized Aristotelianism of Aquinas was condemned as an "unfortunate superstructure on an unfortunate foundation."<sup>16</sup> Impatient with the "Babel of philosophy," with its endless and subtle disputations concerning substance and accidents, Luther called for a return to the unglorified wisdom of Scripture and the Word of God.<sup>17</sup> In this connection his radicalism was also turned against the *corpus* of traditional knowledge represented by the teachings of the Church Fathers, the pronouncements of the Councils, and the doctrines of the canonists. The Catholic conception of accrued historical wisdom, painstakingly built up through centuries of interpretation, Luther matched with the uncomplicated, direct knowledge of the humble believer.<sup>18</sup> "The simple faith" of the people

<sup>15</sup> Luther's long apprenticeship in scholasticism is discussed in Mackinnon, *op. cit.*, Vol. 1, pp. 10-27, 50 ff.

<sup>16</sup> Wodf, Vol. 1, pp. 225, 227-29; Smith and Jacobs, *op. cit.*, Vol. 1, pp. 60, 64, 78, 150, 169-70, 349.

<sup>17</sup> Luther's distinction between Scripture and the Word of God is analyzed by Rupert E. Davies, *The Problem of Authority in the Continental Reformers* (London, 1948), pp. 31 ff.; and by Troeltsch, *op. cit.*, Vol. 2, p. 486. In connection with Luther's quest for the "original" meaning of Scripture, it might be added that he was aided by contemporary humanist scholars, such as Reuchlin and Erasmus, who were seeking to recapture the true meaning of Scripture by means of philological researches.

<sup>18</sup> Wodf, Vol. 1, pp. 227-29. These sentiments were underlined in Luther's *Letter to the Christian Reader* (1522): "... when I compare scholastic with sacred theology, that is with Holy Scripture, it seems full of impiety and vanity and dangerous in all ways to be put before Christian monks not forearmed with the armor of God." Luther then turned admiringly to Tauler and the *Theologia Germanica* and raised the hope that under the influence of the mystics "there will not be left in our earth a Thomist or an Albertist, a Scotist or an Occamist, but only simple sons of God and their Christian brothers. Only let not those who batten on literary dainties revolt against the rustic diction, nor despise the coarse coverings and cheap garments of our tabernacle, for within is all the glory of the king's daughter. Certainly if we cannot get learned and eloquent piety, let us at least prefer an unlearned and infantile piety to an impiety which is both eloquent and infantile." Smith and Jacobs, *op. cit.*, Vol. 2, pp. 135-36. Compare Augustine, *Epistle* 138, 4-5.



was held to be more reliable; instead of chasing philosophical hares, it was content with the knowledge which comes from faith.

Thus the end-point of the revolt against the authority of philosophy and received wisdom was a religious primitivism, flaunting simple faith against philosophical complication, breaking "the images of ancestral wisdom" in the name of a return to original Christianity. This "simplistic imperative," with its bias against "man-made" rules and rites, appeared as a kind of revival of the ancient controversy between "nature" and "convention" with scripturalism replacing nature as the basic norm. Like the ancients, Luther was beset by a deep urgency to erase historical accretions in order to commune with an underlying truth. Characteristic of his search for purity were his remarks on the confused state of marriage laws:

. . . any and all of the practices of the Church are impeded, and entangled, and endangered, on account of the pestilential, unlearned, and irreligious, man-made ordinances. There is no hope of a cure unless the whole of the laws made by men, no matter what their standing, are repealed once for all. When we have recovered the freedom of the Gospel, we should judge and rule in accordance with it in every respect.<sup>19</sup>

The impulse towards simplification was also manifested in Luther's assault on the mediaeval conception of the Church. Again the emphasis was put on leveling the "walls" which stood between the believer and the object of his beliefs. The whole of the ecclesiastical hierarchy, with its niched gradations of authority and function, was to be razed. Since the plain meaning of Scripture could be understood by the average man, sacerdotalism was superfluous; there could be no distinctions among believers:

We all have the same authority in regard to the Word and sacraments, although no one has a right to administer them without the consent of the members of his church, or by the call of the majority (because, when something is common to all, no single person is empowered to arrogate it to himself, but we should await the call of the Church). . . . When a bishop consecrates, he simply acts on behalf of the entire congregation, all of whom have the same authority. They may select one of their number and command him to exercise this authority on behalf of the others.<sup>20</sup>

The radical egalitarianism implicit in the doctrine of the priesthood of the believers was not dictated by any necessary relationships among the believers themselves. Rather, it grew out of Luther's conviction that faith could be attained only by individual effort and that, therefore, the "Christian liberty" of the believer must be unbound by externals. Faith could not be created or instilled by an external agency, whether sacerdotal or political; it was an inward disposition of the individual inclining him towards God.<sup>21</sup> The reward of faith was membership in the invisible communion of Christians, the *corpus mysticum* ruled by Christ:

There is no superior among Christians, but Christ Himself and Christ alone. And what kind of authority can there be where all are equal and have the same right, power, pos-

<sup>19</sup> Woolf, Vol. 1, p. 303.

<sup>20</sup> *Ibid.*, pp. 318, 114.

<sup>21</sup> *Ibid.*, p. 113.

session, and honor, and no one desires to be the other's superior, but each other's inferior? One could not establish authority where there are such people, even if one would, since their character and nature will not permit them to have superiors, for no one is willing or able to be the superior.<sup>22</sup>

The "true" Church, then, was not to be located in any physical assemblage of offices, nor was it to be identified with any hierarchical institution. The Church consisted simply of "an assembly of hearts in one faith. . . . This unity is of itself sufficient to make a Church."<sup>23</sup>

Although Luther consistently denied that the equality of the believers eliminated the necessity for a trained ministry, the denial in no way minimized the revolutionary character of his attack on ecclesiasticism. The priest had been transformed into a minister, that is, one who administered, expounded, and explained the Word.<sup>24</sup> The loss in status was accompanied by a drastic change in the relationship between minister and congregation. Unlike the priest, the minister could not draw upon the mysterious sources of authority flowing from a centuries-old tradition. Stripped of the *my-~~sign~~* of office, the minister faced his congregation as a *primus inter pares*. The office itself was no longer consecrated by the representative of a powerful ecclesiastical institution; it was derived from the consent of the *pares*. Since the minister was the creature of consent, not of authority, he could be removed from office by those who had selected him.<sup>25</sup>

Underlying the equality among the believers and the whittling down of the role of the minister were certain assumptions about the capacity of the believers to recognize truth:

. . . each and all of us are priests because we all have the one faith, the one gospel, one and the same sacrament; why then should we not be entitled to taste or test, and to judge what is right or wrong in the faith?<sup>26</sup>

From this followed Luther's demand that the "second wall," symbolizing the papal claim to be the final interpreter of doctrine, be swept aside. The papal position, as Luther instinctively recognized, was grounded in a kind of christianized Platonism which asserted that disputed truths could be resolved only by a specially endowed intelligence.<sup>27</sup> Against this "aristocratic epistemology" Luther advanced a "democratic" one which avowed both the right and the ability of the congregation to judge religious teachings. He adopted this conclusion partly from a profound conviction concerning the primacy of the direct communion between God and the individual soul; and partly from a conviction that the individual conscience could not be forced into salvation.

Nostalgia for the apostolic simplicity of the primitive Church did not blind

<sup>22</sup> *Works*, Vol. 2, p. 262.

<sup>23</sup> *Ibid.*, Vol. 1, p. 349.

<sup>24</sup> *Wolff*, Vol. 1, pp. 115, 247, 249, 318, 367; *Works*, Vol. 3, pp. 326-28.

<sup>25</sup> *Wolff*, Vol. 1, pp. 115, 117, 181; *Works*, Vol. 4, pp. 79, 82.

<sup>26</sup> *Wolff*, Vol. 1, p. 120; *Works*, Vol. 4, pp. 76-7.

<sup>27</sup> *Wolff*, Vol. 1, pp. 119-20.

Luther to the fact that a near-anarchistic form of church organization was an inadequate prescription for an actual congregation whose members dwelt in varying states of grace and faith. At an early stage in his writings he began to elaborate the distinction between the "visible" and the "invisible" Church. The former consisted of those Christians whose weak faith necessitated a visible form of organizational structure. Unity had to be created externally by human art. The "invisible" Church, in contrast, derived its unity from faith; it was largely independent of organization and regulations.<sup>28</sup>

In his later years Luther came to be more impressed with the value of "distinguishing marks," even for the invisible Church.<sup>29</sup> This was less significant, however, than his growing reliance upon secular authority to police the visible Church and to insure a degree of religious uniformity. Given this development, the Lutheran conception of political authority assumes crucial importance; for a religion which had denied itself the power of an ecclesiastical organization was now confronted by, and invited the assistance of, political rulers who were unhampered by the traditional restraints of religious institutions. To appreciate the new theoretical setting within which temporal authority was now to operate, something must be said concerning earlier Christian attitudes towards the political order and the office of ruler.

## II

From its early beginnings the Christian attitude concerning politics had been complicated by a persistent impulse towards disengagement from the world. The scriptural warning that "My Kingdom is not of this world" was later systematized by Augustine into the tense symbolism of the *civitas dei* and the *civitas terrena*. And despite the impressive effort of Aquinas to fashion a comfortable accommodation between the political order and the divine, the mystics and the monastics survived as eloquent witnesses to the strain of *incivisme* in Christianity. Moreover, this hostility towards the political order had been implicit from the beginning, when Christianity had directly challenged the classical assumption concerning religion and the political order. Classicism had judged religion largely from the viewpoint of its political and social utility. Religion had been expected not only to contribute to civic cohesiveness, but also to infuse the whole of man's political and social conduct in such a way that the believer would be a better citizen by virtue of his beliefs. For classicism,

<sup>28</sup> *Works*, Vol. 1, pp. 349-57.

<sup>29</sup> Compare *Works*, Vol. 1, p. 361; Vol. 4, p. 75; Vol. 5, pp. 27-37; Vol. 6, p. 148. Luther's theory of the Church has been discussed by Karl Holl, "Luther," *Gesammelte Aufsätze zur Kirchengeschichte* (Tübingen, 1923), Vol. 1, pp. 288 ff.; Troeltsch, *op. cit.*, Vol. 1, pp. 477-94; William A. Mueller, *Church and State in Luther and Calvin* (Nashville, 1954), pp. 5-35; Wilhelm Pauck, "The Idea of the Church in Christian History," *Church History*, Vol. 21, pp. 191-213, at pp. 208-10 (Sept., 1952); Lewis W. Spitz, "Luther's Ecclesiology and His Concept of the Prince as *Notbischof*," *Church History*, Vol. 22, pp. 113-41 (June, 1953); John T. McNeill, "The Church in Sixteenth Century Reformed Theology," *Journal of Religion*, Vol. 22, pp. 251-69 (July, 1942).

then, the value of a religion had been analyzed in terms of citizenship; the problem had been that of the citizen as a believer and not, as was to be the case with Christianity, the believer as a citizen.

In contrast, Christianity had come proclaiming the irrelevancy of political criteria to religious truths. Its avowed intention was to disentangle religion from its political context. This apolitical bent in Christianity was strikingly developed by Augustine in Books VI and VII of the *De civitate Dei*.<sup>20</sup> Christianity, he insisted, did not represent merely another "civil theology"; it came not to rescue a corrupt society, but to prepare men for the permanent estate of eternity. On the basis of this formulation, the relation between religion and politics was reversed. Instead of religion functioning as a support for the political order, the role of the political order was conceived to be one of securing the conditions of peace which would enable men to pursue unhindered their primary vocation of spiritual salvation. Although the responsibility for order was conferred upon the state, this did not imply, for Augustine, any positive control of or intervention into essentially religious matters. One of the primary aims of Augustine was to rid Christianity of the political interference typified by the policy of Theodosius. The state might assist religion by protecting the faithful from the contaminating influences of heresy, but the continuous supervision of religious life belonged to the Church. The spiritual needs of man were to be administered by a government reared on spiritual foundations.

In Luther the impulse towards disengagement took a quite different form. Where Augustine had relied upon the Church as the main aid to individual salvation and had relegated the state to the role of guardian of order, Luther felt constrained to call upon secular power to help Christian souls in gaining release from the tyranny of the organized Church. One fundamental reason for the different roles assigned government by Augustine and Luther is to be found in the different historical positions occupied by each. Augustine's thinking was deeply tinged by the millennial hopes common in the early centuries of the Christian era. It was natural for him to adopt a time-perspective oriented towards the future. Although, in contrast to the expectancies of some of the early Christians, Augustine minimized the imminence of the millennium, the notion of a future pregnant with the promise of deliverance remained a vivid element in his thought.<sup>21</sup> The thousand years intervening between Augustine and Luther could not but have a sobering effect on Christian optimism. What had been a beckoning future for the one became, for the other an interminable present calling for a certain resignation on the part of the believer. The muted eschatology of Luther contributed in an important way to his marked antipathy for history. After the days of apostolic simplicity had been passed, history had be-

<sup>20</sup> This aspect of Augustine is brilliantly described in Charles Norris Cochrane, *Christianity and Classical Culture* (New York, 1944), pp. 323 ff. Also see the remarks of Eric Voegelin, *The New Science of Politics* (Chicago, 1952), pp. 81-84.

<sup>21</sup> *De civitate Dei*, XX. See also the remarks of Heinrich Scholz, *Glaube und Unglaube in der Weltgeschichte* (Leipzig, 1911), pp. 109 ff.

come a record of the degradation of the Word. Consequently, the theological and ecclesiastical legacy of these centuries must be dismissed. On the basis of these beliefs, Luther's time-perspective was reflective of a compelling urgency to return to a more primitive state of Christian perfection; it was part of a radicalism oriented towards recapturing the authentic Christian elements of the distant past; it lacked the vivid awareness of a future dimension.

These contrasts in time-perspectives were closely related to some important differences in the political ideas of Augustine and Luther. While Augustine had punctured the classical notion of the autonomy and self-sufficiency of the political order, he had not left the political order dangling in limbo. It was an integral part of the whole *ordo* of Creation and contributed its share towards the preservation of the total harmony. For Augustine the concept of a divine order symbolized more than an ingenious blend of diversities: it was a *concordia* moving towards consummation. Accordingly, the political order, integrated as it was into a cosmos full with meaning and direction, acquired a rooted stability, a sustenance drawn from the nature of Creation itself. Thus, even though the political community was destined to be superseded at the climax of history, until that time it participated in the perfection written into the very essence of things.<sup>32</sup>

Luther, however, departed significantly from the Augustinian conception of *ordo*. For Augustine *ordo* had operated as a principle immanent in the whole of Creation; therefore, any association, even a non-Christian one, possessed value to the extent that it secured peace and tranquillity.<sup>33</sup> Luther, on the other hand, reduced "order" from an immanent to a formal principle without real viability:

Order is an outward thing. Be it as good as it may, it can fall into misuse. Then it is no longer order but disorder. So no order has any intrinsic worth of its own, as hitherto the Popish Order has been thought to have. But all order has its life, worth, strength, and virtue in right use; else it is worthless and fit for nothing.<sup>34</sup>

In abandoning the concept of *ordo* as the sustaining principle within a larger pattern of meaning, Luther deprived the political order of the moral sustenance flowing from this more comprehensive whole. The lack of integration between the political order and the divine order produced a marked tension within Luther's conception of government. The political order appeared as a distinctly fragile achievement, precarious, unstable, and prone to upset. At the same time, the vulnerability of this order created the need for a powerful, repressive authority. In other words, it was not the political order itself which was sustained by a divine principle; it was the secular power upholding order that was

<sup>32</sup> The concept of *ordo* is most extensively discussed by Augustine in *De civitate Dei*, XIX, 11-18. Pertinent in this connection are: R. H. Barrow, *Introduction to Saint Augustine, The City of God* (London, 1950), pp. 220-60; Sir Ernest Barker, "St. Augustine's Theory of Society," in *Essays on Government*, 2nd ed. (Oxford, 1951), pp. 245-48; Étienne Gilson, *Introduction à l'étude de Saint Augustin*, 3rd ed. (Paris, 1949), pp. 237-38.

<sup>33</sup> *De civitate Dei*, XIX, 24.

<sup>34</sup> *Works*, Vol. 6, p. 186.

divinely derived. It was no idle boast of Luther's to assert that he had praised temporal government more highly than anyone since Augustine.<sup>35</sup> Such praise was necessary once the political order had been extracted from its cosmic context. The divine element in political authority was inevitably transformed from a sustaining principle into a repressive, coercive one.

Luther's attachment to temporal authority, then, was not the product of a particular stage in his development, but was rooted in the conviction that the fallen world of man was fundamentally orderless. Order had to be imposed:

Let no one think that the world can be ruled without blood; the sword of the ruler must be red and bloody; for the world will and must be evil, and the sword is God's rod and vengeance upon it.<sup>36</sup>

Significantly, Luther singled out, as the first "wall" to be leveled, the papal claims to a temporal jurisdiction. His logic here displayed the same impulse as his religious theorizing: just as the believer's free access to Scripture was to be secured from papal interference, so the secular ruler was to be unhampered in his efforts to achieve order:

... the social corpus of Christendom includes secular government as one of its component functions. This government is spiritual in status, although it discharges a secular duty. It should operate, freely and unhindered, upon all members of the entire corpus, should punish and compel where guilt deserves or necessity requires, in spite of pope, bishops, and priests; and whether they denounce or excommunicate to their heart's desire.<sup>37</sup>

The long scholarly disputes over whether or not Luther preserved the mediaeval conception of a *corpus christianum* has served to obscure the profound changes he made in the content of that concept.<sup>38</sup> The emphasis on secular authority was accompanied by other doctrinal changes which enhanced that authority still further. At the same time that Luther was undercutting the sacerdotal hierarchy by the idea of the priesthood of all believers, he was elevating the status of rulers by clothing it with a sacerdotal dignity: rulers "are priests and bishops too."<sup>39</sup> The sharp line between clergy and laity was erased, and priest and peasant were placed on a level of equality in relation to secular jurisdiction.<sup>40</sup> The estate of Christendom had fallen to new trustees: the princes "discharge their office as an office of the Christian community, and for the benefit of that community. . . . Each community, council, and administration has authority to abolish and prevent, apart from the knowledge or consent of

<sup>35</sup> *Ibid.*, Vol. 5, pp. 81-82.

<sup>36</sup> *Ibid.*, Vol. 4, p. 23. On this same point see: Vol. 3 pp. 231-33; Vol. 4, pp. 28, 248-53, 266-69, 299 ff.; Vol. 5, p. 38; Vol. 6, p. 460.

<sup>37</sup> Woolf, Vol. 1, p. 117; Mesnard, *op. cit.*, pp. 204-5.

<sup>38</sup> There is a recent discussion of this problem in Sjöström, *op. cit.*, pp. 118 ff., and see the references cited there. In addition there are some interesting remarks in Friedrich Meinecke, "Luther über christliches Gemeinwesen und christlichen Staat," *Historische Zeitschrift*, Vol. 131, pp. 1-22 (1920).

<sup>39</sup> Woolf, Vol. 1, p. 114.

<sup>40</sup> *Ibid.*, pp. 114-15, 129-30, 141, 147, 226-27, 282, 285.

pope or bishop, anything contrary to God, and hurtful to man in body and soul."<sup>41</sup>

The significance of the role assigned to political authority lay not so much in its broad mandate, nor in its responsibilities for religious reform, but rather in the fact that its power was now to be exercised in a context where papal institutions had been deprived of divinity and power. The secular ruler alone derived his powers from God; the power of the papacy, in contrast, had resulted from strictly human contrivings, or, worse, from the machinations of the Antichrist.

### III

Luther's view of political authority was not all of one piece; it varied depending on whether the issue was primarily religious or political. When temporal government was called upon to assist in furthering religious reforms, it was viewed as a positive and constructive agency. But in its more secular and political role, government appeared as essentially negative and repressive. In the one area it was treated as the sole alternative for initiating reform; in the other as the sole alternative to anarchy.<sup>42</sup> The link which bound together the two views of political authority was Luther's demand that rulers be released from pre-existing restraints in order to accomplish their work. We have already examined this element in connection with Luther's attack on the Papacy; it reappeared when he considered the secular activities of government. Finding the same confusion and complexity in the laws of society as had prevailed in religious matters, Luther advocated a characteristically simple and radical solution:

... the body politic cannot be felicitously governed merely by rules and regulations. If the administrator be sagacious, he will conduct the government more happily when guided by circumstances rather than by legal decrees. If he be not so wise, his legal methods will only result in harm, since he will not know how to use them, nor how to temper them to the case in hand. Hence, in public affairs, it is more important to make sure that good and wise men are in control than that certain laws are promulgated. Men of this kind will themselves be the best of laws, will be alert to every kind of problem, and will resolve them equitably. If knowledge of the divine laws accompanies native sagacity, it is obvious that written laws will be superfluous and noxious.<sup>43</sup>

<sup>41</sup> *Ibid.*, p. 167.

<sup>42</sup> *Works*, Vol. 3, p. 235; Vol. 4, pp. 289-91.

<sup>43</sup> Woolf, Vol. 1, p. 298. It is true that Luther occasionally praised customary law, but a close examination of the context of the argument shows that he was contending that customary laws were better adapted to local conditions than imperial laws, and not that customary laws were salutary restraints. McNeill, "Natural Law in the Thought of Luther," *loc. cit.*, has underlined the role of natural law and reason in Luther's writings, but again the context was one where Luther was asserting that natural law and reason or equity allowed the ruler to override existing laws or customs. Natural law, in other words, played a liberating as well as a restraining role in Luther's thought. See Woolf, Vol. 1, p. 187; *Works*, Vol. 6, pp. 272-73. One of the few occasions wherein Luther cited Aquinas for support involved an argument in favor of an unlimited secular power in times of emergency. See *Works*, Vol. 3, p. 263.

The only restraints operating on the ruler, other than those of his own conscience, came from the exhortations of the ministers; since the ministers no longer spoke as the representatives of a powerful ecclesiastical establishment, the effectiveness of this restraint would be problematical.

Although some commentators have shown that Luther never intended to emancipate the secular authorities from the dictates of natural law and reason, this proves only that Luther was not Machiavelli. For the point is that natural law becomes a mere set of moral homilies when it is translated into a context where the power of the rulers alone has been elevated above all other institutional rivals and where allegiance to the other great power institution has been condemned.

The situation thus created was ripe for a collision between the two entities which Luther, by analogous arguments, had sought to set free. On the one hand there was the secular ruler, unrestrained by the pressures of competing institutions, and on the other the Christian congregation seeking divine grace, unaided and unguided by sacerdotal institutions. Luther, however, often wrote as though the former never presented a threat to the latter. The true believer was a subject of the Kingdom of God, where Christ alone ruled. "Therefore, it is not possible for the secular sword and law to find any work to do among Christians, since of themselves they do much more than its laws and doctrines can demand."<sup>44</sup> If all men were to become true Christians, secular government would be unnecessary. Government was justified by the existence of the large masses of the unrighteous and unregenerate; in the absence of coercion, men would be at each other's throats and society in chaos. "For this reason God has ordained two governments; the spiritual, which by the Holy Spirit under Christ makes Christians and pious people, and the secular, which restrains the unchristian and wicked so that they must needs keep the peace outwardly, even against their will."<sup>45</sup>

Even if the secular rulers, whose characters Luther frequently criticized, were to overstep their bounds and issue commands contrary to Scripture, no real harm could be done to the true Christian. Government, laws, and the ways of society could affect the physical goods of man, but never the vital center of his soul:

When we consider the inner, spiritual man and see what belongs to him if he is to be a free and devout Christian, in fact and in name, it is evident that, whatever the name, no outer thing can make him either free or religious. For his religion and freedom, and, moreover, his sinfulness and servitude, are neither bodily nor outward.<sup>46</sup>

"Christian liberty," then, was the state enjoyed by the believer who had severed his external dependencies and had oriented his soul towards a complete submission to God. Although he could be expected to do more than his social and political obligations required, his ultimate salvation was in no way

<sup>44</sup> *Works*, Vol. 3, p. 234.

<sup>45</sup> *Ibid.*, pp. 235-36.

<sup>46</sup> Woolf Vol. 1, pp. 357-58; *Works*, Vol. 3, p. 235; Vol. 4, pp. 240-41; *Werke* (Weimar Ausgabe), Vol. 1, pp. 340-43.



implicated in the world; his good works in the world were the consequence of his faith, and his faith could never be the result of his works. "You have the kingdom of heaven; therefore you should leave the kingdom of earth to any one who wants to take it."<sup>47</sup>

The doctrine of Christian liberty was modified by Luther in the light of his experiences during the Peasants' War. The basic question raised at that time was whether the spread of lawlessness might eventually undermine the peace of the faithful and thereby interfere with the quest for salvation. The pressure of events forced Luther to soften the distinction between the Kingdom of God and the kingdom of the world. If the rebellious peasants were to gain the upper hand "both kingdoms would be destroyed and there would be neither worldly government nor Word of God, but it would result in the permanent destruction of Germany. . . ."<sup>48</sup> If both the Kingdom of God and the kingdom of the world possessed a common need for order, as Luther admitted, then the true believer could not be as indifferent towards the political order as the doctrine of Christian liberty implied. Religion and politics were more closely intertwined than the theory of the two kingdoms inferred. Luther's theory of government, then, came down to this: temporal authority could insure outward peace for the true believer; it could never affect his internal virtue. For the unbeliever, government could impose external order and external virtue. Government existed "in order that the good may have outward peace and protection; and that the wicked may not be free to do evil, without fear, in peace and quietness."<sup>49</sup>

Certain confusions began to appear in Luther's thought, however, when he attempted to relate his doctrine of government to the problems of obedience and freedom of conscience. Sometimes he argued that authority could not coerce the consciences of the believers; and this was consistent with his teaching that externals could not affect the liberty of the Christian man. At other times he insisted that government ought not to coerce consciences. This could only mean logically that freedom of conscience was useful primarily for the unrighteous who might some day be led back to the fold.

The same difficulty reappeared when Luther allowed that men need not obey when a ruler commanded contrary to the teachings of Scripture.<sup>50</sup> But this could involve only the true believer, for he alone possessed a conscience guided by Scripture. At the same time, he alone owned a conscience which could not be harmed by external actions.

The contradictory elements were present in other aspects of Luther's teaching on this same general subject. Earlier he had urged that the secular rulers apply force against the Papacy, yet he overwhelmingly maintained that secular

<sup>47</sup> *Works*, Vol. 3, pp. 248, 239-42; Vol. 6, pp. 447 ff.; *Woolf*, Vol. 1, pp. 234, 357, 368-70, 378-79.

<sup>48</sup> *Works*, Vol. 4, p. 220; *Smith and Jacobs, op. cit.*, Vol. 2, p. 320.

<sup>49</sup> *Works*, Vol. 6, p. 460; Vol. 3, pp. 231-32; Vol. 4, pp. 23, 28; *Smith and Jacobs, op. cit.*, Vol. 2, p. 492.

<sup>50</sup> *Works*, Vol. 1, p. 271; Vol. 3, pp. 255-56.

rulers ought not to be resisted for any cause. Thus political authority might resist religious authority on either political or religious grounds, while religious authorities might never resist political authority on either religious or political grounds. The final incongruity appeared during the Peasants' War when Luther advocated the right of anyone to kill a rebellious peasant. Thus a rebel might be slain by anyone, a tyrant by no one.<sup>51</sup>

#### IV

Luther has frequently been criticized by later writers for promoting the cause of political absolutism. Figgis, for example, coupled Luther with Machiavelli and treated their ideas as two sides of the same coin.<sup>52</sup> While this view is correct in emphasizing the extreme lengths to which Luther went in releasing temporal rulers from previous restraints, it tends to view the problem primarily in terms of moral and religious restraints. Actually, Luther consistently upheld the right of Christians to rebuke the excesses of princes, and his own writings testify to the extent to which he followed that advice. If we are to look for the fundamental weakness in Luther's thinking it is to be sought in his failure to appreciate the importance of institutions. His obsession with religious simplicity caused him to ignore the role of religious institutions as political restraints. The social consequences of a weakly organized religion were apparent in his own day. At moments of political and social crisis he was unable to appeal to any effective religious organization to act as mediator. During the Peasants' War he was compelled to entrust the whole cause of peace to the princes, despite his own conviction that all of the wrongs were not entirely on one side. In trying to get out of this predicament Luther succeeded only in making the Christian ethic appear irrelevant to the logic of the political order: "The sayings on mercy belong in God's kingdom and among Christians, not in the kingdom of the world. . . ."<sup>53</sup>

The quest for simplicity also had its effects when Luther considered political institutions. Here it took the form of accepting authority rather than rejecting it. From a few ingenuous ideas about authority, order, and social classes Luther fashioned a political doctrine of stark simplicity, unrelieved by the shadows of qualification. It was designed essentially to impress on princes the desirability of paternal rule and on subjects the wickedness of disobedience. Just as his religious teachings emphasized the single relationship of a believer who throws himself on God's mercy, so the political order was stripped of nearly all except the single relationship between ruler and ruled. In both cases the

<sup>51</sup> *Ibid.*, Vol. 1, pp. 262-64; Vol. 3, pp. 211-12; Vol. 3, pp. 226-28. Some commentators have made a great deal of the joint declaration of 1531 wherein Luther sanctioned resistance to the Emperor. But when this is measured against the main body of his writings, its evidential value is small. Moreover, it would seem that the declaration was largely the work of Melancthon. Luther affixed his own signature only after a great deal of agony and self-searching. A year previously he had warned against resisting the Emperor. See Mackinnon, *op. cit.*, Vol. 4, pp. 25-27.

<sup>52</sup> Figgis, *op. cit.*, pp. 55-61.

<sup>53</sup> *Werke* (Weimar Ausgabe), Vol. 18, p. 389.

moral impotence and sinfulness of man was the source of his dependence.<sup>54</sup> But the peculiarity of the relationship between political superiors and their inferiors was that so much of it remained unpermeated by religious values. Religious considerations entered only at the extremities of the relationship: the ruler held his authority from God, while the subject was under a divine injunction to obey rulers in every conceivable *political* circumstance. No provision was made for the other complex relationships in a political order. The political relationship, like the religious, was a personalized rather than an institutionalized one.

In this connection Luther's doctrine of Christian liberty and his defense of disobedience on religious grounds did little to redress the balance against the secular ruler. Both of these ideas had been hollowed of their political content. "True" liberty had been transformed into an internal state of faith, while obligation was disconnected from political relationships and made to apply solely to religious issues; in political matters men had to obey unquestioningly.

The foregoing points to the conclusion that the problem presented by Luther was not one arising from the divorce between politics and religious values, but from the political irrelevancy of the Christian ethic. While Luther certainly assumed that Christian values, such as love, neighborliness, and charity, would exercise a salutary influence in society and politics, he failed to show their viability in dealing with problems other than those located at the elementary level of the household and the neighborhood. The Christian ethic might well be applicable at the intimate, personal level, and yet be quite irrelevant for the relationships created by a complicated political order. Luther remained unaware of this difficulty, because he reduced political relationships to a single form. Something of the political inadequacy of the Christian teaching was glimpsed by Luther himself. In the tract *On Trading and Usury* (1524) his argument began by laying down the strict Christian teachings on the subject; soon, however, he was led to admit that the Christian ethic was of little utility here inasmuch as most members of society did not act as Christians. His solution was to abandon the Christian argument and to invoke, instead, the coercive arm of government. The argument ended on the note that the world would be reduced to chaos if men tried to govern by the Gospel.<sup>55</sup>

These doubts about the political effectiveness of Christian teachings had their roots in the fundamental ambiguity characteristic of the thinking of many of the early reformers. On the religious side they advocated the most uncompromising and radical reforms, while on the political side they enjoined quietism. Luther, for example, vehemently rejected any hierarchical distinctions among Christian believers; yet he assumed that a social hierarchy was natural and necessary.<sup>56</sup> He eloquently defended the sanctity of the individual conscience; yet he unhesitatingly accepted the institutions of serfdom. He admitted

<sup>54</sup> Tillich has remarked that "Christian pessimism with respect to human nature has helped a great deal to bring about the alliance between Christianity and authority." "The Gospel and the State," *Crozer Quarterly*, Vol. 15, pp. 251-61, at p. 258 (Oct., 1938).

<sup>55</sup> *Works*, Vol. 4, pp. 16-22.

<sup>56</sup> *Ibid.*, Vol. 4, pp. 240, 308; Vol. 5, pp. 43 ff.

## CONSTITUTIONAL LAW IN 1954-1955

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On October 9, a week after the 1954 Term began, Justice Robert H. Jackson<sup>1</sup> died, and for his place the President nominated Judge John Marshall Harlan, on November 8, 1954.<sup>2</sup> Judge Harlan had been appointed in March, 1953, to the Court of Appeals for the Second Circuit. The Senate did not act on the Harlan nomination until March 16, 1955, when it was confirmed by a vote of 71-11, and the new Justice took the oath of office on March 28. Accordingly, the Court was handicapped during much of the Term by not having a full bench, and apparently the argument of important cases was delayed until the vacancy was filled. Former Justice Owen J. Roberts, who had taken his seat on appointment by President Hoover on June 2, 1930, and resigned July 31, 1945, died on May 17, 1955.

At the end of the Term, Chief Justice Warren announced that henceforth the Court will not hear oral arguments or hold open sessions on Friday, which will be reserved for the conferences of the Justices.<sup>3</sup> Thus the ancient practice of holding the "recitation periods" on Saturday has, at least for the present, come to an end. The Chief Justice also declared that this change in the schedule, which reduces the number of days available each week for oral argument from five to four, would not affect the number of cases to be heard, and that the Court expects to remain current with its calendar.

During the period under review the controversy over the Crosskey interpretation of the Constitution continued on its merry way, having reached the stage of rebuttals and surrebuttals,<sup>4</sup> and a Yale law professor published a book on the

<sup>1</sup> On Justice Jackson see: Symposium, with articles by Felix Frankfurter, Warner W. Gardner, Charles Fairman, and Telford Taylor, in the *Columbia Law Review*, Vol. 55, pp. 435-525 (April, 1955); Louis L. Jaffe, "Mr. Justice Jackson," *Harvard Law Review*, Vol. 68, pp. 940-98 (April, 1955); Paul A. Weidner, "Justice Jackson and the Judicial Function," *Michigan Law Review*, Vol. 53, pp. 567-94 (Feb., 1955); W. W. Bishop, Jr., "Robert H. Jackson," *American Journal of International Law*, Vol. 49, pp. 44-50 (Jan., 1955). At the time of his death, Justice Jackson was working on the Godkin lectures, which he was scheduled to deliver at Harvard early in 1955. They have been published under the title, *The Supreme Court in the American System of Government* (Cambridge, 1955).

<sup>2</sup> See Arthur A. Ballantine, "John M. Harlan for the Supreme Court," *Iowa Law Review*, Vol. 40, pp. 391-99 (Spring, 1955); Edward L. Friedman, Jr., "Mr. Justice Harlan," *Notre Dame Lawyer*, Vol. 30, pp. 349-59 (May, 1955).

<sup>3</sup> 349 U.S. 971.

<sup>4</sup> See William Winslow Crosskey, "Charles Fairman, 'Legislative History,' and the Constitutional Limitations on State Authority," *University of Chicago Law Review*, Vol. 22, pp. 1-143 (Autumn, 1954); Charles Fairman, "A Reply to Professor Crosskey," *ibid.*, pp. 144-56; Stuart Gerry Brown, "Politics and Mr. Crosskey's Constitution, I," *Syracuse Law Review*, Vol. 6, pp. 261-72 (Spring, 1955); Sylvester Petro, "Crosskey and the Constitution: A Reply to Goebel," *Michigan Law Review*, Vol. 53, pp. 312-49 (Dec., 1954).

Supreme Court which announced the novel proposition that judges are human.<sup>5</sup>

During the 1954 Term the Supreme Court disposed with finality of 1,352 cases, an unusually high number. The figure for the 1953 Term was 1,293, and for the 1952 Term it was 1,278. There were 82 dispositions with full opinion, of which four were *per curiam*. Of these, 33, or 40 per cent, were unanimous, and of 101 dispositions on the merits by memorandum order, 87, or 86 per cent, were unanimous. This marked a very considerable decline in the number of dispositions on the merits in which Justices dissented. In the previous Term only 28 per cent of the full opinion dispositions were unanimous, and in the 1952 Term the figure was 22 per cent. In all, 198 cases were decided on the merits (170 a year ago, 138 two years ago). Of these cases, 27 came from the federal district courts by appeal, four from the courts of appeal by appeal and 97 by certiorari, 56 from the state courts by appeal and 15 by certiorari, and three from specialized federal courts by certiorari.

On the appellate docket, certiorari was granted by the Court in 108 cases, or 16.8 per cent of all petitions, as compared with 13 per cent the year before and 16.1 per cent in 1952. Petitions for certiorari were granted on the miscellaneous docket in 12 cases, or 2.4 per cent of all requests, as compared with 1.9 per cent a year ago, and 2.5 per cent two years ago. The Court dismissed appeals in 53 cases, the largest figure in some years. Of these, 31 dismissals were for lack of a substantial federal question.

The number of dissenting opinions declined appreciably from 57 a year ago, and 89 two years ago, to 47. This year Justice Reed led the Court with ten dissenting opinions; Justice Minton was next with nine; Justice Black wrote eight, Justice Frankfurter seven, Justice Douglas five (as compared with 15 a year ago), Justice Clark three, Justices Burton and Harlan two each, and Chief Justice Warren only one. There were, in addition, 15 concurring opinions (16 a year ago), with Justices Frankfurter and Douglas contributing four each, and Justice Clark none. Chief Justice Warren filed two concurring opinions, and each of the other Justices wrote one. Taking into account all dispositions on the merits, whether by full opinion or memorandum order, there were in all 141 dissenting votes, a very low figure, with Justice Reed voting in the negative 28

<sup>5</sup> Fred Rodell, *Nine Men* (New York, 1955). See also: Edward S. Corwin, *Our Expedient Constitution* (University of Illinois Bulletin, Institute of Government and Public Affairs, 1955); Harold H. Burton, "Unsung Services of the Supreme Court of the United States," *Fordham Law Review*, Vol. 24, pp. 169-77 (Summer, 1955); Jack W. Peltason, *Federal Courts in the Political Process* (Garden City, N.Y., 1955); Victor G. Rosenblum, *Law as a Political Instrument* (Garden City, N.Y., 1955); Lewis Mayers, *The American Legal System* (New York, 1955); Wallace Mendelson, "Mr. Justice Frankfurter and the Process of Judicial Review," *University of Pennsylvania Law Review* Vol. 103, pp. 295-320 (Dec., 1954); Leo Weiss, "Justice Murphy and the Welfare Question," *Michigan Law Review*, Vol. 53, pp. 541-66 (Feb., 1955); Leon R. Yerkwich, "Some Challenges to Our Constitutional Ideals," *Southern California Law Review*, Vol. 28, pp. 1-17 (Dec., 1954); Edward M. Whinney, "The Supreme Court and the Dilemma of Judicial Policy-Making," *Minnesota Law Review*, Vol. 39, pp. 837-51 (June, 1953); Howard E. Dean, "Judicial Review, Judicial Legislation, and Judicial Oligarchy," *Oregon Law Review*, Vol. 34, pp. 20-32 (Dec., 1954).

times, Justice Douglas 27 times, and Justice Black 23 times. At the other extreme Justice Clark cast a dissenting vote only five times, Justice Harlan six times, and the Chief Justice seven times.

It is of interest to note that of the 198 cases decided on the merits, the Court affirmed only 48, again an unusually small figure. Of the 83 cases coming up on appeal, the Court affirmed 15, whereas of the 115 cases on certiorari, the Court affirmed 31. Of the 56 cases which were appealed from state courts, 49 were dismissed, six were reversed, one was vacated, and there were no affirmances. Of the 23 cases that came from the federal district courts on appeal, 14 were affirmed, six were reversed, one was vacated, and two were dismissed. Of the 101 cases from the courts of appeals, 26 were affirmed, 56 were reversed, 17 were vacated, and two were dismissed.

As is usual these days, cases dealing with civil liberties questions,<sup>6</sup> above all the announcement of the final decree in the school segregation cases, attracted the greatest amount of public attention. There were no opinions at all dealing with free speech or freedom of religion problems, although there was much writing on these subjects during the period under review.<sup>7</sup>

<sup>6</sup> See: Samuel A. Stouffer, *Communism, Conformity, and Civil Liberties* (New York, 1955); Richard Hofstadter and Walter P. Metzger, *The Development of Academic Freedom in the United States* (New York, 1955); Robert M. MacIver, *Academic Freedom in Our Time* (New York, 1955); American Civil Liberties Union, 34th Annual Report, *America's Need: A New Birth of Freedom* (New York, 1954); Osmond K. Fraenkel, *The Supreme Court and Civil Liberties*, rev. ed. (American Civil Liberties Union, New York, 1955); *Natural Law and Natural Rights*, ed. Arthur L. Harding (Dallas, 1955); Murray Kempton, *Part of Our Time* (New York, 1955); Loren P. Beth, "The Case for Judicial Protection of Civil Liberties," *Journal of Politics*, Vol. 17, pp. 100-12 (Feb., 1955); Lon L. Fuller, "Freedom—A Suggested Analysis," *Harvard Law Review*, Vol. 68, pp. 1305-25 (June, 1955); Morris Ploscowe, "A Modern Law of Arrest," *Minnesota Law Review*, Vol. 39, pp. 473-77 (April, 1955); Roy Moreland, "Some Trends in the Law of Arrest," *ibid.*, pp. 479-92; Caleb Foote, "Tort Remedies for Police Violations of Individual Rights," *ibid.*, pp. 493-516; Rocco Tresolini, R. W. Taylor, and E. B. Barnett, "Arrest without Warrant: Extent and Social Implications," *Journal of Criminal Law, Criminology and Police Science*, Vol. 46, pp. 187-98 (July-Aug., 1955); Wallace Mendelson, "Foreign Reactions to American Experience with Due Process of Law," *Virginia Law Review*, Vol. 41, pp. 493-503 (May, 1955); Note, "The Doctrine of Immunity under the Civil Rights Acts," *Harvard Law Review*, Vol. 68, pp. 1229-40 (May, 1955); Lauren Colby, "Recent Developments in the Right to Public Trial," *Syracuse Law Review*, Vol. 6, pp. 339-46 (Spring, 1955); Note, "Constitutionality of Rebuttable Statutory Presumptions," *Columbia Law Review*, Vol. 55, pp. 527-49 (April, 1955).

<sup>7</sup> On free speech problems see: William L. Chenery, *Freedom of the Press* (New York, 1955); Anne Lyon Haight, *Banned Books*, 2d ed. (New York, 1955); Congress for Cultural Freedom, *Science and Freedom* (Boston, 1955); University of Michigan Law School, *Communications Media: Legal and Policy Problems* (Ann Arbor, 1954); Herbert Brownell, Jr., "Freedom and Responsibility of the Press in a Free Country," *Fordham Law Review*, Vol. 34, pp. 178-86 (Summer, 1955); S. I. Shuman, "Publicizing Judicial Proceedings," *Wayne Law Review*, Vol. 1, pp. 1-44 (Winter, 1954); Note, "Free Press and Fair Trial—A Conflict," *Minnesota Law Review*, Vol. 39, pp. 431-44 (March, 1955); Edgar A. Jones, Jr., "Picketing and the Communication of Ideas," *U.C.L.A. Law Review*, Vol. 2, pp. 212-23 (Feb., 1955); Note, "Regulation of Comic Books," *Harvard Law Review*, Vol. 68, pp. 489-506 (Jan., 1955); Note, "Crime Comics and the Constitution," *Stanford Law*

## I. QUESTIONS OF NATIONAL POWER

## 1. FEDERAL RIGHTS

*The Federal Loyalty Program.* The leading security<sup>8</sup> case of the Term was *Peters v. Hobby*,<sup>9</sup> in the disposition of which many hoped that the Supreme

*Review*, Vol. 7, pp. 237-60 (March, 1955); Comment, "Censorship of Obscene Literature by Informal Governmental Action," *University of Chicago Law Review*, Vol. 22, pp. 216-33 (Autumn, 1954); Charles M. Whelan, "Censorship and the Constitutional Concept of Morality," *Georgetown Law Journal*, Vol. 43, pp. 547-81 (June, 1955); Loren P. Beth, "Group Libel and Free Speech," *Minnesota Law Review*, Vol. 39, pp. 167-84 (Jan., 1955); Leon R. Yanawich, "Private Libel or Public Exhortation," *Notre Dame Lawyer*, Vol. 30, pp. 245-72 (March, 1955); Jay W. Murphy, T. J. Earnea, and Samuel Kaufman, II, "Book Labeling—An Ominous Venture in Censorship," *Alabama Law Review*, Vol. 6, pp. 186-234 (Spring, 1954).

On freedom of religion questions see: J. M. Snee, "Religious Disestablishment and the Fourteenth Amendment," *Washington University Law Quarterly*, Vol. 1954, pp. 371-407 (Dec., 1954); Harold H. Punke, "Religious Issues in American Public Education," *Law and Contemporary Problems*, Vol. 20, pp. 138-63 (Winter, 1955); Robert F. Cushman, "The Holy Bible and the Public Schools," *Cornell Law Quarterly*, Vol. 40, pp. 475-99 (Spring, 1955); Robert E. Rodes, Jr., "Religious Education and the Historical Method of Constitutional Interpretation," *Rutgers Law Review*, Vol. 9, pp. 682-95 (Summer, 1955); Leo Pfeffer, "Released Time and Religious Liberty: A Reply," *Michigan Law Review*, Vol. 53, pp. 91-98 (Nov., 1954); Paul G. Kauper, "Released Time and Religious Liberty: A Further Reply," *ibid.*, pp. 233-36; Virgil C. Blum, "Religious Liberty and the Religious Garb," *University of Chicago Law Review*, Vol. 22, pp. 275-88 (Summer, 1955); Comment, "Religious Garb in the Public Schools: A Study in Conflicting Liberties," *ibid.*, pp. 888-95; Note, "The First Amendment and Distribution of Religious Literature in the Public Schools," *Virginia Law Review*, Vol. 41, pp. 789-807 (Oct., 1955); Virgil C. Blum, "Religious Liberty and Bus Transportation," *Notre Dame Lawyer*, Vol. 30, pp. 384-437 (May, 1955); Leo Pfeffer, "Religion in the Upbringing of Children," *Bozeman University Law Review*, Vol. 35, pp. 833-93 (June, 1955); Elvin E. Crerton, "Religion and Adoption," *Tennessee Law Review*, Vol. 23, pp. 951-58 (June, 1955); Note, "Constitutionality of Mandatory Religious Requirements in Child Care," *Yale Law Journal*, Vol. 64, pp. 772-86, (April, 1955); C. C. Cawley, "Criminal Liability in Faith Healing," *Minnesota Law Review*, Vol. 39, pp. 48-74 (Dec., 1954).

<sup>8</sup> There was a great deal of writing during the Term under discussion on various aspects of security problems. See: Maurice J. Goldblock, *American Security and Freedom* (Boston, 1954); John Lord O'Brian, *National Security and Individual Freedom* (Cambridge, Mass., 1955); Alpheus T. Mason, *Security through Freedom* (Ithaca, 1955); Harold W. Chase, *Security and Liberty: The Problem of Native Communists, 1947-1955* (Garden City, N. Y., 1955); Martin Marson, *The Private Dignity of a Public Servant* (New York, 1955); Robert E. Murray, *Red Scare: A Study in National Hysteria, 1919-1920* (Minneapolis, 1955); Symposium, "Secrecy, Security, and Loyalty," *Bulletin of the Atomic Scientists*, Vol. 11, pp. 106-69 (April, 1955), and see especially Hans Morgenthau, "The Impact of the Loyalty-Security Measures on the State Department," pp. 134-40; Symposium, "Internal Security and Civil Rights," *Annals of the American Academy*, Vol. 300, July, 1955; Note, "Federal Anti-Subversive Legislation of 1954," *Columbia Law Review*, Vol. 55, pp. 831-747 (May, 1955); Comment, "The Communist Control Act of 1954," *Yale Law Journal*, Vol. 64, pp. 712-65 (April, 1955); A. W. Blumrosen, "Repeated Federal Employee Security Adjudications," *Wayne Law Review*, Vol. 1, pp. 77-104 (Spring, 1955); Arch Dotson, "The Emerging Doctrine of Privilege in Public Employment," *Public Administration Review*, Vol. 15, pp. 77-88 (Spring, 1955); Paul R. Haerle, "The

Court would finally rule on a number of serious constitutional issues long under discussion. Instead, in accordance with the well-established rule that constitutional questions should be avoided if it is possible to dispose of litigation on nonconstitutional grounds, the Court chose such a minimal basis for its decision that it settled practically nothing of any importance. Dr. Peters, a professor of medicine at Yale, was employed as a special consultant in the United States Public Health Service of the Federal Security Agency, which in 1953 was transferred to the Department of Health, Education, and Welfare. His duties required his presence in Washington from four to ten days a year, upon call of the Surgeon General, to give advice on assistance to medical research institutions, for which he was paid on a per diem basis. This work was neither confidential nor sensitive, and he had no access to classified material. Dr. Peters had first been cleared by the Agency Loyalty Board in 1949. After the standard for removal was changed in April, 1951 from "reasonable ground" to "reasonable doubt," the Loyalty Review Board reopened Dr. Peters' case in May, 1951 and remanded the case to the Agency Board for a hearing.

The Agency Board gave Dr. Peters a hearing in April, 1952, at which the sources of adverse information were not identified and were not available for cross-examination. In fact, the Board itself did not know the identity of one or more of the informants, though apparently it knew who some of them were. The only evidence adduced at the hearing was presented by Dr. Peters. He denied under oath that he had ever been a member of the Communist party, and testified as to the other charges, not refusing to answer any questions. His testimony was supported by 18 witnesses, and by the affidavits and statements of 40 others. On May 23, 1952, the Agency Board cleared him. However, since it is apparently always open season in the government service, and a new doctrine of perpetual jeopardy has elbowed the ancient doctrine of double jeopardy into the discard, the Loyalty Review Board notified Dr. Peters, on April 6, 1953, that it was conducting a "post-audit," and he was given another hearing before a panel of the Board on May 12, 1953. The evidence was the same as that presented previously, with Dr. Peters offering five witnesses. The identity of the

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Communist Control Act of 1954," *Michigan Law Review*, Vol. 53, pp. 1153-65 (June, 1955); Alan Reeve Hunt, "Federal Supremacy and State Anti-Subversive Legislation," *Michigan Law Review*, Vol. 53, pp. 407-38 (Jan., 1955); Comment, "Control of Communist Unions; A New Approach," *Northwestern University Law Review*, Vol. 50, pp. 396-409 (July-Aug., 1955); Note, "Government Exclusion of Foreign Political Propaganda," *Harvard Law Review*, Vol. 68, pp. 1393-1409 (June, 1955); A. F. Westin, "Critique of Civil Libertarian Reactions to the 'Communist Problem'," *Northwestern University Law Review*, Vol. 50, pp. 58-70 (March-April, 1955). See also the following publications of the Fund for the Republic: Preliminary Study, *Personnel Security Programs of the Federal Government* (1954); *Digest of the Public Record of Communism in the United States* (1955); *Bibliography on the Communist Problem in the United States* (1955); Adam Yarmolinsky, *Case Studies in Personnel Security* (Washington: Bureau of National Affairs, 1955); Rowland Watts, *The Draftee and Internal Security* (New York: Workers Defense League, 1955).

\* 349 U.S. 831 (1955). See Phillip Sirotkin, "The Peters Case," *The Nation*, Vol. 180, pp. 438-40 (May 21, 1955).



informants was not disclosed to Dr. Peters, and not all were known to the Board, nor had the testimony of the informants been given under oath. The record also contained the evidence which Dr. Peters had presented at the previous hearing.

The Review Board concluded that there was reasonable doubt of the loyalty of Dr. Peters, and so notified him on May 22, 1953. He was dropped from his position as consultant, though his appointment would have expired December 31, 1953, and barred from further federal employment for a period of three years. Dr. Peters maintained that the action of the Review Board violated both the Executive Order (No. 9835) under which it operated, and the Constitution. His argument was that he was unconstitutionally denied an opportunity to confront and cross-examine his accusers, that the penalty of disbarment was both a bill of attainder and *ex post facto*, and that his right of free speech had been invaded. Accordingly, he brought suit in the District Court of the District of Columbia for a declaratory judgment, but both this court and the court of appeals denied relief on the authority of *Bailey v. Richardson*.<sup>10</sup> The *Bailey* case, it will be recalled, affirmed a court of appeals decision<sup>11</sup> in favor of the loyalty program by a 4-4 vote, without opinion.

While the Supreme Court reversed the holding of the lower courts against Dr. Peters, and admitted that serious constitutional issues were presented, all it actually decided was that the action of the Loyalty Review Board was patently in violation of Executive Order 9835, in that it went beyond the jurisdiction delegated to the Board by the Order. The Board was authorized by the Order "to review cases involving persons recommended for dismissal" brought to it by the agency or the employee. It was given no power to review on its own motion, and thus what the Board sought to do was not authorized under the Order. The Chief Justice maintained that limiting the Board to reviewing adverse determinations was in accord with the recommendations of the President's Temporary Commission on Employee Loyalty, whose 1947 report was the basis of the Order, and with "the deeply rooted principle of criminal law that a verdict of guilty is appealable while a verdict of acquittal is not." He pointed out that this was one of the most important safeguards the Order afforded an accused employee, since it assured that the initial determination of loyalty would be made by one's departmental colleagues who know most about him, rather than by political appointees who might be "more vulnerable to the pressures of heated public opinion." To sanction the abrogation of this safeguard, he declared, would be to sanction "administrative lawlessness."

The Chief Justice also ruled that failure of the President to disapprove of the regulation under which Dr. Peters' case was reopened by the Review Board is not to be deemed acquiescence in it. He said that the Court could not indulge "in such fanciful speculation." There would have to be "explicit Presidential action" to support the inference that limitation on the Board's powers had been

<sup>10</sup> 341 U.S. 918 (1951).

<sup>11</sup> 182 F. 2d 46 (1950). See this REVIEW, Vol. 46, pp. 165-67 (March, 1955).

eliminated. Furthermore, knowledge by the President of the challenged practice can hardly be imputed to him in view of the relatively small number of cases—only 20—in which, during its six years, the Board reversed favorable determinations. Since dismissal for disloyalty is, in the Chief Justice's words, "a badge of infamy," the Court will not support the "tenuous" theory advanced in support of the Board's action. The Court also ruled that the Review Board had no authority to make Dr. Peters ineligible for federal service for a three-year period.

In a separate concurring opinion, Justice Black declared that he preferred to decide the case on the constitutional issues, the rule of avoidance of constitutional questions not being "an inflexible rule to be inexorably followed under all circumstances." He not only agreed with the Court on the construction of the Order; he also had grave doubts whether the Executive Order had been authorized by any act of Congress. He even doubted whether Congress could delegate to the President the power to do what he sought to do in the Order. In another concurring opinion, Justice Douglas took the position that since the Order was at best ambiguous, the Review Board had the authority it claimed, but that in the absence of confrontation of the "faceless informers" and cross-examination under oath, due process had been denied. For under this procedure, he said, a man loses reputation and the right to work, and is condemned to a suspect class, "without the rudiments of a fair trial."

Justice Reed, who was joined by Justice Burton, argued in dissent that the Board had adopted the challenged regulation at the very outset, in December, 1947, and had recorded such cases as that of Dr. Peters in each of the annual reports of the Civil Service Commission which, as required by statute, were submitted to the President. He also rejected the Court's analogy between review of presidential orders and review of the administrative interpretation of acts of Congress, since the executive is traditionally free to handle its internal problems of administration in its own way. He doubted the legality of judicial review of such intra-executive operations. But even if the Order is construed as a statute, Justice Reed thought that the Board acted properly, in the light of contemporary construction and the fact that the President allowed the practice to continue after having notice of it in the reports.

The *Peters* case settled very little.<sup>13</sup> The Civil Service Commission was ordered to expunge from its records the Review Board's finding of reasonable doubt of Dr. Peters' loyalty and the order of disbarment, but Dr. Peters did not get his job back, since his term of appointment had ended December 31, 1953. While the Review Board was denied authority to take up cases on its own initiative, the decision was not very important since the Board went out of business when President Eisenhower supplanted the earlier Executive Order on employee loyalty with Order 10450 in April, 1953, placing ultimate authority in the head

<sup>13</sup> Congress has not been altogether indifferent to the current criticisms of the security program. It has passed an act, approved August 9, 1955, creating a 12-member Commission on Government Security to study and investigate the entire federal program. The Commission is required to submit a final report not later than December 31, 1956. Public Law 304, 84th Cong., 1st sess., c. 664.

of the agency. The grave constitutional questions which the procedures under discussion raise are still without authoritative answers by the nation's highest court, and the faceless informers are still in business.

*Self-Incrimination.* Several procedural and substantive questions concerning the privilege against self-incrimination<sup>13</sup> and the conduct of legislative investigating committees<sup>14</sup> were before the Court in three cases. In these cases it was the government's contention that the witness was trying to eat his cake and have it too by pleading his privilege in such an evasive way that he could enjoy the advantages of silence without incurring the public odium which follows a forthright claim to the privilege. In the leading case, *Quinn v. United States*,<sup>15</sup> the Court was concerned with a conviction for contempt of Congress in refusing to answer a question put by the House Committee on Un-American Activities. Quinn, a union official, was subpoenaed with two others, Fitzpatrick and Panzino. Fitzpatrick, who was called to testify first, refused to answer a question about Communist affiliation on the ground of "the first and fifth amendments."

<sup>13</sup> For writings during the year under review dealing with self-incrimination problems see: Erwin H. Griswold, *The Fifth Amendment Today* (Cambridge, Mass., 1955); Nathan April, "A Reappraisal of the Immunity from Self-Incrimination," *Minnesota Law Review*, Vol. 39, pp. 75-92 (Dec., 1954); George S. Flint, "Witness Immunity Act of 1954," *Michigan Law Review*, Vol. 53, pp. 858-71 (April, 1955); C. D. Williams, "Problems of the Fifth Amendment," *Fordham Law Review*, Vol. 24, pp. 19-52 (Spring, 1955); Robert G. Dixon, Jr., "The Doctrine of Separation of Powers and Federal Immunity Statutes," *George Washington Law Review*, Vol. 23, pp. 501-34, 557-57 (April, June, 1955); Arthur B. Hymar, "What Price Constitutional Immunity?" *Tennessee Law Review*, Vol. 23, pp. 931-42 (June, 1955); Fred E. Inbau, "Should We Erosion the Constitutional Privilege against Self-Incrimination?" *Journal of Criminal Law, Criminology, and Police Science*, Vol. 45, pp. 80-84 (July-Aug., 1954); John T. Noonan, Jr., "Inferences from the Invocation of the Privilege against Self-Incrimination," *Virginia Law Review*, Vol. 41, pp. 311-42 (April, 1955).

On closely related topics see: N. Redlich, "Searches, Seizures, and Self-Incrimination in Tax Cases," *Tax Law Review*, Vol. 10, pp. 191-200 (Jan., 1955); Louis B. Schwartz, "On Current Proposals to Legalize Wire Tapping," *University of Pennsylvania Law Review*, Vol. 103, pp. 157-67 (Nov., 1954); Note, "State Exclusionary Rule as a Deterrent against Unreasonable Search and Seizure," *Journal of Criminal Law, Criminology, and Police Science*, Vol. 45, pp. 697-707 (March-April, 1955); Note, "State Police, Unconstitutionally Obtained Evidence and Section 242 of the Civil Rights Statute," *Stanford Law Review*, Vol. 7, pp. 75-96 (Dec., 1954); Richard A. Edwards, "Criminal Liability for Unreasonable Searches and Seizures," *Virginia Law Review*, Vol. 41, pp. 621-32 (June, 1955); Note, "Constitutional Limits on the Admissibility in Federal Courts of Evidence Obtained from Required Records," *Harvard Law Review*, Vol. 68, pp. 340-49 (Dec., 1954).

<sup>14</sup> See: Alan Barth, *Government by Investigation* (New York, 1955); Telford Taylor, *Grand Inquest: The Story of Congressional Investigations* (New York, 1955); Legislative Reference Service, *Congressional Power of Investigation* (Sen. Doc. 99, 83d Cong., 2d sess., 1954); Dorothy C. Tompkins, *Investigating Procedures of Congressional Committees: A Bibliography* (Berkeley: Bureau of Public Administration, University of California, 1954); Robert B. Tunstall, "Scope and Limitations of the Investigating Power of Congress," *Virginia Law Review*, Vol. 40, pp. 875-97 (Nov., 1954); Walter F. Hoffmann, "The Legitimate Functions of a Congressional Investigation," *Reiers Law Review*, Vol. 9, pp. 528-43 (Spring, 1955).

<sup>15</sup> 349 U.S. 155 (1955).

At one point he also said that he was relying upon "the first amendment to the Constitution, supplemented by the fifth amendment." Then Panzino refused to testify, on the grounds relied upon by Fitzpatrick. The next day Quinn was asked whether he had ever been a member of the Communist party. He declined to answer, on the grounds relied upon by Fitzpatrick. Panzino and Fitzpatrick were both acquitted after trial before different judges. In Quinn's case, the district court held that a witness may not incorporate the position of another witness, and rejected his defense based on the Self-Incrimination Clause. The court of appeals reversed, sitting *en banc*, but remanded the case for a determination as to whether Fitzpatrick did claim the privilege, holding that a witness may adopt as his own a plea made by a previous witness. By an 8-1 vote the Supreme Court set aside the remand, and directed the district court to enter a judgment of acquittal.

Speaking for the Court, Chief Justice Warren undertook to review the nature and scope of the power of Congress and its committees to investigate. While the power is concededly a broad one, he emphasized that it is also subject to "recognized limitations": "it cannot be used to inquire into private affairs unrelated to a valid legislative purpose";<sup>16</sup> it does not extend "to an area in which Congress is forbidden to legislate";<sup>17</sup> the investigatory power must not be confused with any of the powers of law enforcement, which the Constitution assigns to the executive and the judiciary;<sup>18</sup> and "still further limitations on the power to investigate are found in the specific individual guarantees of the Bill of Rights, such as the Fifth Amendment's privilege against self-incrimination which is in issue here."<sup>19</sup> Furthermore, the Chief Justice stressed the antiquity and importance of the privilege, and argued that it should be liberally construed in favor of the right it was intended to secure, particularly in prosecution of a witness for a refusal to answer, "since the respect normally accorded the privilege is then buttressed by the presumption of innocence accorded a defendant in a criminal trial."

There was no doubt of the fact that an answer to the question whether Quinn was a member of the Communist party might have tended to incriminate him.<sup>20</sup> The only issue was whether Quinn did claim the privilege, since he was clearly entitled to do so. On this point Chief Justice Warren said: "It is agreed by all that a claim of the privilege does not require any special combination of words. Plainly a witness need not have the skill of a lawyer to invoke the protection of the Self-Incrimination Clause. If an objection to a question is made in any

<sup>16</sup> Citing *McGrain v. Daugherty*, 273 U.S. 135, 173-74 (1927); *Kilbourn v. Thompson*, 103 U.S. 168, 190 (1881).

<sup>17</sup> Citing *United States v. Rumely*, 345 U.S. 41 (1953). The Chief Justice seems to believe that Congress has only legislative functions.

<sup>18</sup> Citing *Kilbourn v. Thompson*, 103 U.S. 168, 192-93 (1881).

<sup>19</sup> Nothing was cited.

<sup>20</sup> The cases cited on this point were: *Blau v. United States*, 340 U.S. 159 (1950); *Bruner v. United States*, 343 U.S. 918 (1952); *Hoffman v. United States*, 341 U.S. 479 (1951). The *Hoffman* case grew out of an investigation of violations of customs narcotics and liquor laws, and had nothing to do with so-called subversive activity.

language that a committee may reasonably be expected to understand as an attempt to invoke the privilege, it must be respected both by the committee and by a court. . . ." The Chief Justice thought that Quinn's references to the Fifth Amendment were clearly sufficient to put the Committee on notice of an apparent claim of the privilege, since in common parlance today the Fifth Amendment has come to mean the privilege against self-incrimination. It was then necessary for the Committee either to accept the claim or ask Quinn whether he was in fact invoking the privilege. And he added: "Particularly is this so if it is true, as the Government contends that petitioner feared the stigma that might result from a forthright claim of his constitutional right to refuse to testify. It is precisely at such times—when the privilege is under attack by those who wrongly conceive of it as merely a shield for the guilty—that governmental bodies must be most scrupulous in protecting its exercise."

There was a second ground for this decision. The Chief Justice maintained that Section 192 of Title 2 of the U. S. Code, which Quinn was alleged to have violated, like the ordinary federal criminal statute, requires a showing of criminal intent, in this instance, "a deliberate, intentional refusal to answer." Obviously, not every refusal to answer a question asked by a congressional committee subjects a witness to prosecution under Section 192. For example, if he raises an objection to a certain question and the committee sustains the objection and abandons the question, there can be no criminal intent even though the objection might actually have been without merit. Or the committee may disallow the objection and confront the witness with a choice of answering or not. If, given such a choice, the witness does not answer, then there is a basis for a finding of criminal intent. In short, the witness must be clearly apprised that the committee demands his answer before there can be a conviction under Section 192. In this instance, the Chief Justice held, the Committee did not at any time specifically overrule Quinn's Fifth Amendment objection, and thus he was never confronted with a clear-cut choice. At best he had to guess whether or not the Committee accepted his objection. Thus, the Court laid down the rule that "a clear disposition of the witness' objection is a prerequisite to prosecution for contempt." This rule, it was declared, was supported by long-standing English and American decisions, by congressional history, and by the legislative history of Section 192.<sup>21</sup> Justice Harlan concurred except as to what was said with regard to criminal intent.

Justice Reed dissented alone. Conceding that a question about Communist party membership is incriminating, he maintained that whether a claim of the privilege was made is a question of fact for the trial court to decide, and he therefore objected to directing the district court to acquit. Nor did he believe that Quinn had notified the Committee that he was claiming the privilege,

<sup>21</sup> The Court of Appeals for the District of Columbia had previously ruled that criminal intent did not have to be proved to establish a violation of Section 192. See *Barsky v. United States*, 167 F. 2d 241, (App. D.C. 1948); *Pielke v. United States*, 164 F. 2d 97 (App. D.C. 1947).

insisting that "the burden is on the witness to advise his interrogators of a claim to privilege in understandable terms." Furthermore, Justice Reed thought that Quinn had been sufficiently advised that the Committee believed that his reply was not a satisfactory excuse.

In *Emspak v. United States*<sup>22</sup> the Court had before it another union official who had refused to answer 68 questions, of which 58 asked whether he knew named individuals, two dealt with alleged membership in front organizations, and eight with alleged membership in the Communist party. His refusal to answer was based, in his words, on "primarily the first amendment, supplemented by the fifth." Again Chief Justice Warren declared that "no ritualistic formula or talismanic phrase," or orthodox statement, is necessary to invoke the privilege. All that is necessary is that the objection be stated in language a committee could reasonably be expected to understand as an attempt to invoke the privilege. Answering the government's contention that Emspak deliberately phrased his claim to get the benefit of the privilege without the odium, the Chief Justice declared that if it is true that in these times a stigma results from reliance on the Self-Incrimination Clause, "a committee should be all the more ready to recognize a veiled claim of the privilege. Otherwise, the great right which the Clause was intended to secure might be effectively frustrated by private pressures." He added that a committee is not obliged either to accept or to reject an ambiguous claim to the privilege as soon as it is presented, but that it ought to inquire further into the nature of the claim before making a ruling.

When Emspak refused to discuss his associations, and was then asked whether that would subject him to criminal prosecution, he replied: "No, I don't think this Committee has a right to pry into my associations. That is my own position." The Court held that this was not an effective waiver of the privilege, that waiver is not lightly inferred, and that at most the "no" was equivocal, since it may have referred to the reasons underlying the witness' assertion of the privilege. One does not have to disclose the precise hazard he fears. The Court also ruled that it was immaterial that some of the questions dealing with associations sought information which Emspak might have been able to explain away on some innocent basis unrelated to communism. If the answer tends to be incriminatory, a witness does not lose the privilege merely because he might be able to refute any inference of guilt in a later prosecution.

Justices Reed and Minton dissented for the reasons given in the former's dissenting opinion in the *Quinn* case. Justice Harlan also filed a dissenting opinion in which he agreed that Emspak had adequately invoked the privilege, but could not agree that the 58 questions on associations called for possibly incriminatory answers. Asserting that the danger of prosecution must be real, and not an imaginary possibility, he thought that many of these questions were innocent, revealing no more than was already known, and that one could say he

<sup>22</sup> 349 U.S. 190 (1955).

knew a man without admitting he knew he was a Communist. In his view there is no legal right not to "stool pigeon" on others. He was also certain that the witness knew that the committee wanted its questions answered.

In the third case, *Bart v. United States*,<sup>23</sup> the witness, then general manager of the *Daily Worker*, was convicted of contempt for refusing to tell the committee his name when he came to this country as a child, his name before he changed it to Bart, his father's name, and the identity of officials of the Ohio section of the Communist party in 1936. On the name questions Bart raised the issue of pertinency, and on the last question he unequivocally pleaded the privilege against self-incrimination. In the court of appeals he abandoned his defense of lack of pertinency. The Supreme Court reversed by a 6-3 vote, holding that, contrary to the position of the court of appeals the abandonment of the defense of the lack of pertinency did not erase Bart's objections from the committee record. This being so, there still had to be an affirmative ruling from the committee, and this was never made. In fact, the chairman said at the time, "We don't rule on objections." Having objected, Bart was entitled to a clean-cut ruling from the committee, even though his claims were later abandoned or found to be invalid.

Justices Reed and Minton, dissenting, took the position that Bart had been sufficiently apprised of the disposition of his objections. Justice Harlan also dissented, arguing that Bart must have understood that the committee was insisting on his answering the questions. For example, as to his name, the committee asked and pressed the question four different ways. A man of Bart's intelligence, Justice Harlan insisted, must have known that the committee regarded his objections as unfounded.

While in these three cases the Supreme Court ruled for the first time that the privilege against self-incrimination may be invoked by witnesses testifying before congressional committees—a point long assumed and often affirmed by the lower federal courts—and while several interesting aspects of the privilege were explored, the net impact of these cases in practical terms will probably not be very great. Committees will simply have to be careful to reject explicitly a witness' objection to a question and direct him with equal explicitness to answer it. As a matter of fact, this has been the general practice of most investigating committees heretofore. There does not seem to be anything in the strictures of the Chief Justice which is likely to impose any undue burden upon the investigatory power of Congress.

*Deportation of Aliens.* Problems in connection with the deportation of aliens<sup>24</sup> continue to reach the Supreme Court. One of the most important is that of the nature and extent of judicial review of deportation orders. It will be recalled

<sup>23</sup> 349 U.S. 219 (1955).

<sup>24</sup> See: Frank L. Auerbach, *Immigration Laws of the United States* (Indianapolis, 1955); Charles P. Schwartz, Jr., "American Immigration Policy," *Columbia Law Review*, Vol. 55, pp. 31-41 (March, 1955); Comment, "The Expatriation Act of 1954," *Yale Law Journal*, Vol. 64, pp. 1164-1200 (July, 1955); Laurent B. Frantz, "Deportation Deliriums," *The Nation*, Vol. 180, pp. 258-64 (March 26, 1955).

that in the *Heikkila* case,<sup>25</sup> decided in 1953, the Court held that the validity of a deportation order issued under the Immigration Act of 1917 may be challenged only by way of habeas corpus, and not by injunction or declaratory judgment pursuant to the Administrative Procedure Act (APA). When this question first arose with regard to the Immigration and Nationality Act of 1952, the Court of Appeals for the District of Columbia held, in the *Rubinstein* case,<sup>26</sup> that under the new statute deportation orders may be reviewed in an action for declaratory and injunctive relief. The Supreme Court affirmed, without opinion, by a 4-4 vote.<sup>27</sup> Now, in *Shaughnessy v. Pedreiro*,<sup>28</sup> the Court has ruled squarely on the issue.

Following administrative hearings, Pedreiro, an alien, was ordered deported under the 1952 Immigration Act. He petitioned the federal district court to review the order, declare it void, and issue an injunction restraining execution pending final court action. Pedreiro alleged that there was no legal evidence to support the order, and that he had been compelled to incriminate himself at the hearings, contrary to due process. He sought relief only against the District Director of Immigration and Naturalization for the District of New York. The district court dismissed the petition on the ground that either the Attorney General or the Commissioner of Immigration and Naturalization was an indispensable party. It did not, therefore, rule on the other ground urged by the government for dismissal, that the 1952 Act precluded judicial review of deportation orders by any method except habeas corpus. The court of appeals reversed, rejecting both of the government's contentions, on the authority of the *Rubinstein* case. The Supreme Court agreed with the court of appeals by a 6-3 vote.

Section 10 of APA provides: "Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof." Section 12 of APA provides that "no subsequent enacted legislation shall be held to supersede or modify the provisions of this Act except to the extent that such legislation shall do so expressly." In the 1952 Immigration Act there is no language which "expressly" supersedes or modifies the expanded right of review granted by Section 10 of APA.

The 1952 Act, however, provides, as did the 1917 Act, that deportation orders of the Attorney General are "final." But Justice Black, who delivered the opinion of the Court, held that to read the word "final" in the 1952 Act as it was read in the 1917 Act, which is what the government requested, would run counter to Sections 10 and 12 of APA, their purpose being "to remove obstacles to judicial review of agency action under subsequently enacted statutes like the 1952 Immigration Act." He went on to say: "It is more in harmony with the

<sup>25</sup> *Heikkila v. Barber*, 345 U.S. 229 (1953). See this REVIEW, Vol. 48, pp. 67-68 (March, 1954).

<sup>26</sup> *Rubinstein v. Brownell*, 92 App. D.C. 328, 206 F. 2d 449 (1953).

<sup>27</sup> 346 U.S. 929 (1954).

<sup>28</sup> 349 U.S. 48 (1955).



generous review provisions of the Administrative Procedure Act to construe the ambiguous word 'final' in the 1952 Immigration Act as referring to finality in administrative procedure rather than as cutting off the right of judicial review in whole or in part. And it would certainly not be in keeping with either of these Acts to require a person ordered deported to go to jail in order to obtain review by a court." Justice Black also ruled that full judicial review of deportation orders was supported by the legislative history of both APA and the 1952 Immigration Act. Senator McCarran and Congressman Walter, who sponsored both statutes, agreed that APA applied.

Finally, the Court held that the Commissioner was not an indispensable party, since the district directors are authorized by regulation to issue warrants of deportation, and actually enforce the orders. Any other interpretation would require every alien to try his case in the District of Columbia to get jurisdiction over the Commissioner, and such a view is completely inconsistent with the basic policy of APA to facilitate judicial review. As to whether a judgment against a district director alone would be final, Justice Black said that it should not be assumed that a decision on the merits in a court of appeals, subject to review by the Supreme Court, would be lightly disregarded by the immigration authorities. Nor could it be assumed that a second effort to have the same issue decided in a habeas corpus proceeding would impose any serious burden on the government, since in habeas corpus proceedings the district courts would have the duty to take into consideration previous court decisions on the same matter.

Speaking for the three dissenters, Justice Minton maintained that since on the point at issue the 1952 Immigration Act used the same language that appeared in the 1917 Act, the former is not "subsequently enacted legislation." Since 1891 the word "final" in the Immigration Acts has precluded judicial review except by habeas corpus. In view of this long history, and the 1952 reenactment, Justice Minton was reluctant to impute to Congress an intention to change the method of review in the absence of a clear showing.

The chief significance of the rule of the *Pedraza* case lies in the fact that the alien no longer has to wait until he is arrested to get judicial review of the deportation order. There will probably be little or no change in the scope of review, since the federal courts have over the years taken a very generous view of the term "jurisdiction" when reviewing deportation orders in habeas corpus proceedings.

An important procedural point was finally established in the second *Accardi* case.<sup>29</sup> Again it will be recalled that in 1954 the Court held that when the Board of Immigration Appeals deals with an application for a suspension of deportation, the board must exercise its own discretion.<sup>30</sup> *Accardi* had claimed that the denial of his application by the Board was prejudged by the fact that the Attorney General had previously included his name in a confidential list of

<sup>29</sup> *Shaughnessy v. U.S. ex rel. Accardi*, 349 U.S. 286 (1955).

<sup>30</sup> *U.S. ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). See this REVIEW, Vol. 49, pp. 70-71 (March, 1955).

"unsavory characters" who should be deported. In his habeas corpus proceeding the district court refused to give him a hearing on this issue. By a 5-4 vote the Supreme Court remanded the petition for such a hearing.

Accardi got his hearing. The district court concluded that each member of the Board had reached his own decision on the merits, free from dictation or suggestion, and dismissed the petition. The court of appeals reversed on the ground that the Attorney General's statement had unconsciously influenced the Board members. A concurring judge thought that all the Supreme Court's opinion required Accardi to do was to prove that there was a list as alleged, and that it was known to the Board that he was on it. One judge dissented on the ground that all Accardi was entitled to was a hearing on the question of whether the Board's decision was its own or one dictated by the Attorney General, and concluded that the trial judge was not clearly erroneous. Six Justices agreed with this dissenting judge, holding that Accardi had to prove not only that a majority of the Board knew about the list, but also that they were affected by it. Justice Clark noted that there was uncontradicted testimony of a number of witnesses, including the Board members, that the Board made its own decision, and that in the light of all the evidence this conclusion was not incredible. In fact, the record shows that there was no list at all, but only publicity dealing with the deportation program, and the Attorney General himself testified that there was no such list, and that he had never discussed the matter with any member of the Board. "In the face of such evidence," said Justice Clark, "we do not believe that speculation on the effect of subconscious psychological pressures provides sufficient justification for rejecting the District Court's finding as clearly erroneous."

Justice Frankfurter joined in a dissenting opinion written by Justice Black, who argued that the Court was giving the former opinion too narrow a meaning. He thought that Accardi did prove that the Attorney General had prejudiced his case. In his reading of the record, what the district court held was that Accardi could have relief only if he proved that the Board felt itself "dictated to" by the Attorney General. Justice Black thought that it was a bad practice to subject administrative officers acting in a quasi-judicial capacity to a probe of the mental processes which led them to decide as they did, and that the Attorney General's statements placed the Board, the members of which hold office completely at his will, in a position in which no judicial agency should be put. He noted that there was not a single case where an alien on the proscribed list has ever been granted final discretionary relief.

A third deportation case, *Marcello v. Bonds*<sup>21</sup>, raised a number of interesting procedural questions which the Court resolved by a 5-3 vote. Marcello, a native of Tunis, was ordered deported, after a hearing, pursuant to Section 242(b) of the Immigration Act of 1952, for the reason that he had been convicted in 1938 of violating the Marihuana Tax Act and sentenced to one year in jail. Section 241(a) (11) of the 1952 Act makes conviction *at any time* ground for deporta-

<sup>21</sup> 349 U.S. 302 (1955).

tion. Section 241(d) declares that the deportation provisions of Section 241(a) shall apply even though the facts giving rise to the alien's deportability occurred prior to 1952. Marcello advanced the following contentions in a habeas corpus proceeding: (1) the hearing failed to comply with APA because the special inquiry officer was under the supervision and control of officials in the Immigration Service who performed both investigative and prosecuting functions; (2) in the absence of a fair hearing, due process was violated; (3) a public statement on the day of his arrest by the Attorney General that he was an undesirable who ought to be deported, and his inclusion in the Attorney General's list of 152 persons he wanted to deport, prejudiced the hearing officer; (4) the retroactive application of Section 241(e) (1) was *ex post facto*.

The Supreme Court rejected all of these contentions. As to the first, while it is true that the Court once ruled, in *Wong Yang Sung v. McGrath*,<sup>32</sup> that deportation proceedings were subject to several sections of APA, this holding was promptly set aside by an act of Congress<sup>33</sup> which provided that proceedings dealing with the exclusion or expulsion of aliens were not to be governed by Sections 5, 7, and 8 of APA. Justice Clark decided that Congress did not reverse itself when it adopted the 1952 Immigration Act, whose detailed provisions on procedure indicate that Congress set up a special administrative procedure for deportation hearings. The Court could not agree that due process had been denied because the hearing officer was subject to the supervision and control of officials in the Immigration Service charged with investigative and prosecuting functions. Such an inference was contradicted by "the long-standing practice in deportation proceedings, judicially approved in numerous decisions in the federal courts, and . . . the special considerations applicable to deportation which the Congress may take into account in exercising its particularly broad discretion in immigration matters."

As for the claim of prejudgment, Justice Clark pointed out that it was not alleged that the inquiry officer or the Appeals Board had seen the list, had known of its existence, or had been influenced by it. No evidence on this point was supplied to the Board, though it had been promised. So far as the unfavorable newspaper publicity was concerned, it was noted that the hearing officer could not have been influenced, since all he had to do was merely apply the statute to the undisputed facts. Finally, the Court repeated the well-established rule that the *ex post facto* doctrine does not apply to deportation proceedings, a rule recently reaffirmed.<sup>34</sup>

Justice Black wrote a dissenting opinion with which Justice Frankfurter indicated agreement. Starting with the premise that "a fair hearing necessarily includes an impartial tribunal," he maintained that since the hearing officer adjudicated the very case which his superiors initiated and prosecuted, a serious due process issue existed not to be dismissed lightly. Furthermore, he thought that Section 5 of APA applied to this situation, on the theory that the 1952

<sup>32</sup> 339 U.S. 33 (1950).

<sup>33</sup> 64 Stat. 1048 (1951).

<sup>34</sup> *Golan v. Press*, 347 U.S. 522 (1954); *Harisiades v. Shaughnessy*, 342 U.S. 580 (1952).

Immigration Act repealed the 1950 statute which set aside the *Wong Yang Sung* case, and that this was amply supported by legislative history. Justice Douglas chose to reopen in his dissenting opinion an old debate about the meaning of the *ex post facto* doctrine. He argued that it had not always been limited to criminal prosecutions,<sup>35</sup> and that "deportation may be as severe a punishment as loss of livelihood."

*Urban Redevelopment and Rights of Property Owners.* By unanimous vote the Court upheld the constitutionality of the District of Columbia Redevelopment Act of 1945 in *Berman v. Parker*.<sup>36</sup> Congress made a legislative determination that there were substandard and blighted areas in Washington, a fact which is obvious to any casual observer with eyes to see, that these areas were injurious to health, safety, morals, and welfare, that the acquisition of property was necessary to eliminate these housing conditions, and that this could not be accomplished by the ordinary operations of private enterprise. The statute created a District of Columbia Redevelopment Land Agency with the power to acquire and assemble by eminent domain and otherwise real property in blighted areas. The National Capital Planning Commission was directed to make a comprehensive or general plan for the District, including a land-use plan, and to make specific plans for specific project areas, subject to the approval of the District Commissioners after public hearing. The Agency may then acquire and assemble the real property in the area, and it is authorized to transfer to public authorities the land which is to be devoted to public purposes (streets, utilities, recreation, schools), and lease or sell the remainder as an entirety or in parts to a redevelopment company, individual, or partnership. The leases or sales must provide that the lessees or purchasers will carry out the plan. Preference is given to private enterprise over public agencies in executing the redevelopment plan.

Berman owned a small department store in the area of one of the projects. Since this was commercial and not residential property, he claimed that it was not slum housing, and that therefore it was not necessary to condemn it for slum clearance. He also stressed the fact that it will be put into a project under the management of a private, not a public agency, and argued that it would be

<sup>35</sup> Citing as examples *Fletcher v. Peck*, 6 Cranch 87, 138-39 (1810); *Cummings v. Missouri*, 4 Wall. 277 (1867); *Ex parte Garland*, 4 Wall. 333 (1867).

<sup>36</sup> 348 U.S. 26 (1954). The problems growing out of urban redevelopment were explored extensively during the year. See: Symposium, "Land Planning in a Democracy," *Law and Contemporary Problems*, Vol. 20, pp. 197-350 (Spring, 1955), and especially, Corwin W. Johnson, "Constitutional Law and Community Planning," pp. 199-217; Symposium, "Urban Housing and Planning," *Law and Contemporary Problems*, Vol. 20, pp. 351-529 (Summer, 1955); Note, "Public Use as a Limitation on Eminent Domain in Urban Renewal," *Harvard Law Review*, Vol. 68, pp. 1422-36 (June, 1955); Richard A. Lavine, "Extent of Judicial Inquiry into Power of Eminent Domain," *Southern California Law Review*, Vol. 28, pp. 369-83 (July, 1955); Clinton Rodda, "The Accomplishment of Aesthetic Purposes under the Police Power," *Southern California Law Review*, Vol. 27, pp. 149-79 (Feb., 1954); Robert A. Bergs, "Aesthetics as a Justification for the Exercise of the Police Power or Eminent Domain," *George Washington Law Review*, Vol. 23, pp. 730-50 (June, 1955).

redeveloped for private and not public use. The Court sustained the program against all constitutional objections. Above all, it went farther than it ever has in the past in approving the regulation of property through the police power for aesthetic purposes.

Speaking for the Court, Justice Douglas noted that the power of Congress over the District of Columbia included all the legislative powers of a state, among them the police power, as to which the legislative discretion is not only very broad, but also "well-nigh conclusive." And this principle is no different merely because eminent domain is involved. The judiciary's function in determining whether the police power is being exercised for a public purpose is "an extremely narrow one." Pointing out that the police power extends to many traditional purposes, such as safety, health, morality, and public order, Justice Douglas declared: "Miserable and disreputable housing conditions may do more than spread disease and crime and immorality. They may also suffocate the spirit by reducing the people who live there to the status of cattle. They may indeed make living an almost insufferable burden. They may also be an ugly sore, a blight on the community which robs it of charm, which makes it a place from which men turn. The misery of housing may despoil a community as an open-sewer may ruin a river."

Since the concept of public welfare is broad, Justice Douglas insisted that it was not for the Court to decide whether a particular housing project is desirable. "The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled. . . . If those who govern the District of Columbia decide that the Nation's Capital should be beautiful as well as sanitary, there is nothing in the Fifth Amendment that stands in the way."

Since the power of eminent domain is merely a means to an end, it is within the discretion of Congress to utilize private enterprise rather than public ownership, to permit certain property owners in the area to repurchase their properties for redevelopment, and to approach the problem on an area instead of a building-by-building basis. It was held that the standards set out in the Act were sufficiently definite, and that it was not for the courts to decide upon the boundary lines of an area or review the size of a project. The rights of the property owners are satisfied when they receive that just compensation which the Fifth Amendment exacts as the price of the taking.<sup>37</sup>

<sup>37</sup> Compare this decision with *City of New Orleans v. Levy* 23 La. 14, 64 So. 2d 798 (1953), wherein the Supreme Court of Louisiana held constitutional a city ordinance providing for the preservation of the quaint and distinctive character of the Vieux Carré section of New Orleans by imposing restrictions on the use of signs and on building alterations. The court said that "perhaps aesthetic considerations alone would not warrant an imposition" of these restrictions, and therefore went on to argue that the legislation had commercial value also, and would promote the welfare of the community. For recent comparable decisions see: *Opinion of the Justices to the Senate*, 128 N.E. 2d 557 (Mass. 1955); *State ex rel. Cleveland Park Holding Corp. v. Wislanc*, 269 Wis. 263, 69 N.W. 2d 217 (1955), certiorari denied, 76 S. Ct. 81 (1955).

*Eminent Domain and Compensable Interests.* An old question of Indian law came up from the Court of Claims in *Tee-Hit-Ton Indians v. United States*.<sup>38</sup> An identifiable group of some 60 to 70 Alaskan Indians claimed compensation for a taking by the United States of certain timber from Alaskan lands allegedly belonging to the group. These Indians had no substantive statute to rely upon, but grounded their suit entirely on the Fifth Amendment right to compensation. The United States denied that the Indians had any compensable interest, arguing that they had only a right to use the land in question at the will of the government. An act of 1947 authorized the Secretary of Agriculture to sell the timber on this land. By a 5-3 vote the Court affirmed the holding of the Court of Claims in favor of the government. Justice Reed pointed out that where, by treaty or other agreement, Congress has declared that Indians were to hold lands permanently, then compensation must be paid for a later taking. But in this instance he could find no legislation to indicate that Congress ever intended to vest in these Indians any permanent rights in Alaskan lands occupied by them with the permission of Congress. It was clear to him that Congress merely intended to retain the status quo until further action was taken. While congressional recognition of the Indian right of permanent occupancy need not take any particular form, "there must be the definite intention by congressional action or authority to accord legal rights, not merely permissive occupation." After the conquest, said Justice Reed, where Congress did not specifically recognize ownership, the Indians had mere possession, and this is not a property right but only a right of occupancy which the sovereign protects against third party intrusion and may terminate without any legally enforceable obligation to pay compensation. The rule has always been that the taking of unrecognized Indian title is not compensable under the Fifth Amendment, since the Indian occupation of land without government recognition of ownership creates no rights against a taking by the United States which is protected by any legal principle. Thus in this instance compensation was held to be altogether a policy question for Congress to decide on, and not the requirement of a constitutional principle.

The three dissenters called attention to Section 8 of the first Organic Act for Alaska, 1884, which declared that Indians "shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress." They thought that legislative history supported the conclusion that Congress had recognized the claims of these Indians to their Alaskan lands.

This decision probably has a very limited significance, in the light of the enactment by Congress in 1946 of the Indians Claims Commission Act,<sup>39</sup> under which claims may be brought against the United States based either on positive law or on "fair and honorable dealings that are not recognized by any existing

<sup>38</sup> 348 U.S. 272 (1955).

<sup>39</sup> 60 Stat. 1049.

rule of law or equity." However, this statute specifically applies only to claims which accrued before the date of its enactment, August 13, 1946, and the *Tee-Hit-Ton* claim arose from a taking by the government authorized by Congress in 1947. The Court of Claims recently ruled that original Indian title is compensable under the 1946 statute, and the Supreme Court refused certiorari to review the decision.<sup>40</sup>

*Lawyer Troubles: Disbarment.* After Abraham J. Isserman, one of the lawyers who represented the Communist leaders in the *Dennis* case,<sup>41</sup> was given a jail sentence by Judge Medina for contempt<sup>42</sup> the highest court of New Jersey disbarred him, and the Supreme Court refused to grant certiorari.<sup>43</sup> Then the Supreme Court disbarred him by a 4-4 vote this result following from the fact that as the pertinent Rule 2(5) then stood a lawyer already disbarred by a state court had the burden of showing cause why he should not be disbarred by the Supreme Court.<sup>44</sup> But soon afterwards the Court adopted a set of Revised Rules which went into effect July 1, 1954,<sup>45</sup> and Rule 8 now states: "No order of disbarment will be entered except with the concurrence of a majority of the justices participating." On the strength of the new Rule, a motion for rehearing was granted and the previous order of disbarment was set aside.<sup>46</sup> Three Justices dissented, and two did not participate.

*Admission to the Bar.* Under the Local Rules of the United States District Court for the Southern District of Texas, an attorney may not be admitted to its bar unless, among other things, his "private and personal character shall be unexceptional." Following an informal hearing before the local Bar Committee, and an adverse recommendation by it, a three-judge district court denied the application of Ben G. Levy for admission, and the Court of Appeals for the Fifth Circuit affirmed on technical procedural grounds.<sup>47</sup> Apparently he was denied admission because it was found that he associated with a man who was "generally considered" to be a member of the Communist party. The Supreme Court reversed with a mere *per curiam* observation that the record did not disclose "sufficient grounds" for refusing to admit Levy to the bar of the district court.<sup>48</sup>

*Contempt of Court by Counsel.* Throughout a long fourteen-day trial of a man accused of abortion, his lawyer, Offutt, and the judge clashed, with more and more personal overtones, the judge often warning counsel that he was exceeding the limits of aggressive advocacy. Following a trial, pursuant to Rule 42(a) of the Federal Rules of Criminal Procedure, and on the authority of the *Sacher*

<sup>40</sup> *Oce and Missouri Tribe of Indians v. United States*, 31 F. Supp. 265 (1955), certiorari denied, 76 S. Ct. 82 (1955).

<sup>41</sup> *Dennis v. United States*, 341 U.S. 494 (1951).

<sup>42</sup> Confirmed in *Sacher v. United States*, 343 U.S. 1 (1952).

<sup>43</sup> *Isserman v. Ethics Committee*, 345 U.S. 927 (1953).

<sup>44</sup> *In re Isserman*, 345 U.S. 286 (1953). Justice Clark did not participate.

<sup>45</sup> 246 U.S. 949-1018.

<sup>46</sup> *In re Disbarment of Isserman*, 348 U.S. 1 (1954).

<sup>47</sup> Application of Levy, 214 F. 2d 331 (1954).

<sup>48</sup> *In re Levy*, 348 U.S. 978 (1955).

decision,<sup>49</sup> the judge summarily found Offutt guilty of criminal contempt on the basis of a certificate which recited twelve findings of "contumacious and unethical conduct," and sentenced him to ten days in jail. The court of appeals affirmed, holding that four of the twelve findings amply supported the commitment, but reduced the sentence to 48 hours because of the judge's own conduct. By a 6-3 vote, the Supreme Court reversed the conviction of Offutt for criminal contempt and remanded for a hearing before another judge.<sup>50</sup>

Speaking for the Court, Justice Frankfurter made it clear that the extraordinary power of the judge to punish for contempt summarily is required for the proper administration of justice. But he also noted that the Court has ruled that a district judge should not himself sit in judgment where the contempt charged is entangled with his personal feeling against the lawyer. The "vital point," he said, is that the judge "should not himself give vent to personal spleen or respond to a personal grievance." As Chief Justice Taft once ruled in the *Cooke* case,<sup>51</sup> where delay will not hurt, and conditions do not make it impracticable, "a judge called upon to act in a case of contempt by personal attack upon him, may, without flinching from his duty, properly ask that one of his fellow judges take his place." Thus, under this rule the judge should not have decided the contempt question himself, since the record shows clearly that he allowed himself to get embroiled personally with Offutt. It should be noted that in the *Cooke* case the Chief Justice said that the district judge "may" ask another judge to decide the contempt question; now the Court seems to say "shall" instead of "may."

Justices Black and Douglas concurred, but repeated a point they had previously made,<sup>52</sup> that on the remand Offutt should be given a jury trial. Three Justices dissented, with Justice Minton asserting that they were dealing with a "piddling case," and that the *Cooke* rule had been supplanted by the *Sacher* decision. The only issue he could see here was the severity of the punishment, and the two-day sentence approved by the court of appeals seemed satisfactory to him.

## 2. THE FEDERAL TAXING POWER

In 1953, in *United States v. Kahriger*,<sup>53</sup> the Court sustained over the objections of Justices Frankfurter, Douglas, and Black, and with the reluctant concurrence of Justice Jackson, the constitutionality of the Gamblers' Occupation Tax Act of 1951. This Act levies an occupational tax of \$50 a year upon all persons "engaged in the business of accepting wagers," requires registration with the Collector of Internal Revenue, and imposes a tax of 10 per cent upon all wagers except parimutuel wagering licensed by the states. The violation in *Kahriger* occurred in Pennsylvania. In contrast, in *Lewis v. United States*,<sup>54</sup> the petitioner

<sup>49</sup> *Sacher v. United States*, 343 U.S. 1 (1952).

<sup>50</sup> *Offutt v. United States*, 348 U.S. 11 (1954).

<sup>51</sup> *Cooke v. United States*, 287 U.S. 517, 539 (1925).

<sup>52</sup> In dissenting opinions in *Sacher v. United States*, 343 U.S. 1 (1952) and *Isserman v. Ethics Committee*, 345 U.S. 927 (1953).

<sup>53</sup> 345 U.S. 22.

<sup>54</sup> 348 U.S. 419 (1955).



was prosecuted in the District of Columbia. With the same Justices dissenting, the Court again upheld the statute, notwithstanding the fact that wagering is by federal law a crime in the District. As in *Kahriger*, the Court emphasized that the \$50 tax must be paid *before* one engages in the business of accepting wagers. Justice Minton, who delivered the opinion of the Court, noted that it was settled in *Kahriger* that this Act was a constitutional exercise of the taxing power, and not a penalty under the guise of a tax. The short answer to the argument that wagering was defined as a crime in the District by federal law was that "this Court has long held that the Federal Government may tax what it also forbids."

As in the previous case, the principal issue was whether the Act was consistent with the Self-Incrimination Clause of the Fifth Amendment. With regard to the individual's protection, Justice Minton emphasized that "the Fifth Amendment provides that one cannot be *compelled*, in a criminal case, to be a witness against himself." Furthermore, he insisted that the Act was not retrospective. It does not mean that one must first have made a wager before paying the tax. On the contrary, the tax is wholly *prospective*, for one must pay the tax *before* engaging in the business of wagering. "If petitioner desires to engage in an unlawful business," declared Justice Minton, "he does so only on his own volition. . . . There is nothing compulsory about it. . . ." If he does not pay the occupational tax, accepts wagers, and is prosecuted, he can then claim his privilege. Men "may have to give up gambling, but there is no constitutional right to gamble. If they elect to wager, though it be unlawful, they must pay the tax." As for the argument that to require the petitioner to pay the tax and exhibit the stamp is to furnish probable cause for the issuance of a warrant, Justice Minton declared that "the ready answer is that the petitioner has no stamp." That is to say, since he has no stamp he is in no position to raise the issue of what might happen to him if he had one.

In a brief statement Justice Frankfurter described the Act in question as "a spurious use of the taxing power as a means of facilitating prosecution of federal offenses." Justice Black dissented at greater length, arguing that this decision reduces the Fifth Amendment protection even more than the *Kahriger* decision did. For *Kahriger* had to confess only to state law violations; here the statute requires a man to supply evidence which may be useful and even sufficient to convict him of felonies. Justice Black agreed that there was no constitutional right to gamble, but he insisted that gamblers, like other people, have a right to invoke the safeguards of the Bill of Rights.

In a group of cases important for the administration of the income tax laws, the Court by unanimous vote reviewed fully and approved of criminal prosecution for income tax evasion by use of the net worth method, now one of the government's most important techniques in dealing with tax evaders.<sup>45</sup> Briefly, with this method the government seeks to establish the taxpayer's net worth at

<sup>45</sup> *Holland v. United States*, 348 U.S. 121 (1955); *Friedberg v. United States*, 348 U.S. 142 (1955); *Smita v. United States*, 348 U.S. 147 (1955); *United States v. Calderon*, 348 U.S. 160 (1955). Since 1943, when the Court last reviewed a case involving the net worth approach, *United States v. Johnson*, 319 U.S. 502 (1943), it had consistently refused to

the beginning of the period on which the indictment is based, and then to compare it with his net worth at the end of the period. These cases dealt with no constitutional law questions, the Court reviewing in its capacity as supervisor of the administration of the criminal law in the federal trial courts. While the net worth method was upheld, the Court warned of the "pitfalls" inherent in the method and stressed that it must be used with "great care and restraint." Justice Clark made the following points:

1. Care must be taken that the charges are clear.
2. The government must investigate all leads furnished by the taxpayer, and must effectively negate all reasonable explanations by the taxpayer inconsistent with guilt.
3. Increases in net worth, standing alone, cannot be assumed to be attributable to currently taxable income.
4. The burden of proof rests on the government to prove a likely source.
5. The government must prove wilfulness.<sup>56</sup>
6. While the government may use extrajudicial admissions by the taxpayer establishing a low opening net worth, they must be sufficiently corroborated.<sup>57</sup> Emphasized was the federal rule, which is indeed the rule in most states, that an accused may not be convicted on his own uncorroborated confession. There are good reasons for this rule: "sound law enforcement requires police investigations which extend beyond the words of the accused"; confessions may be unreliable because coerced or induced; the defendant may not be able to prove the involuntary nature of his statements; police investigations exert pressure, and the accused is subject to strain and confusion. The requirement of corroboration may properly be applied to the crime of tax evasion, even though there is no tangible *corpus delicti*, as in the case of crimes of violence, in connection with which the corroboration rule had its inception. The corroboration rule applies to a statement concerning opening net worth, because it is vital to the case.
7. As for the quantum of corroborative evidence, it does not have to prove the offense beyond a reasonable doubt, or even by a preponderance, "as long as there is substantial independent evidence that the offense has been committed, and the evidence as a whole proves beyond a reasonable doubt that defendant is guilty." Corroboration is necessary for all elements of the offense established by admissions alone, but it is sufficient if the corroboration merely fortifies the truth of the confession, without independently establishing the crime charged.

### 3. THE FEDERAL COMMERCE POWER

There were, as usual, several antitrust cases in the 1954 Term which tested the scope of federal power under the Commerce Clause. They also tested the

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grant certiorari in such cases. See Leslie Mills, "The Net Worth Approach in Determining Income," *Virginia Law Review*, Vol. 41, pp. 927-57 (Nov., 1955); J. W. Burns and M. L. Racklin, "Trial by Net Worth," *Taxes*, Vol. 33, pp. 121-30 (Feb., 1955).

<sup>56</sup> *Holland v. United States*, *supra*.

<sup>57</sup> *Smith v. United States*, *supra*.

Court's capacity to make distinctions, which may confidently be described as practically limitless. The problem in *United States v. Shubert*<sup>58</sup> was whether the business of producing, booking, and presenting legitimate stage attractions on a multi-state basis constituted interstate commerce within the meaning of the Sherman Act. The government brought a civil action against three individuals and three corporations controlled by them who produced theatrical attractions, booked them in theatres throughout the country, and operated about 40 theatres in eight states. The district court dismissed the complaint on the authority of the 1922 decision in the *Federal Baseball Club* case,<sup>59</sup> which was reaffirmed in 1953 in the *Toolson* decision.<sup>60</sup> These cases held that professional baseball was not covered by the antitrust laws, on the theory that the business of giving exhibitions was purely local, and the transportation of players and equipment incidental.

The complaint described the interstate phases of the business of the defendants. There was a continuous stream of trade and commerce, including the assemblage and transportation of personnel and property, the making and performance of contracts under which attractions are routed and presented in various states, and the transmission of applications, letters, memoranda, communications, commitments, contracts, money, checks, drafts, and other exchange media across state lines. The complaint alleged restraint of this commerce, and a conspiracy to monopolize certain phases by means of such practices as compelling exclusive booking by other producers, prevention of competition, discrimination, and combination to maintain a dominant position. The government asked mainly for the divorce of the booking and presentation branches of the business.

In reversing the district court, Chief Justice Warren emphasized that the Court has construed the term "trade or commerce" broadly to include such diverse activities as the production, distribution and exhibition of motion pictures, real estate brokerage, the gathering and distribution of news, medical services to members of a health cooperative, and insurance underwriting. Similarly the term "among the several states" has been held to embrace a "continuous and indivisible stream of intercourse among the states," including the transmission of large sums of money and communications by mail, telephone, and telegraph, in the great insurance case.<sup>61</sup>

The main problem was to explain away the baseball decisions. So far as the 1922 case was concerned, it was insisted that Justice Holmes was dealing there with the business of baseball and nothing else. And at the very next Term, in the *Hart* case,<sup>62</sup> Justice Holmes, speaking for a unanimous Court, ruled that the baseball case did not automatically immunize the theatrical business from the

<sup>58</sup> 348 U.S. 222 (1955).

<sup>59</sup> *Federal Baseball Club v. National League*, 259 U.S. 204 (1922).

<sup>60</sup> *Toolson v. New York Yankees*, 346 U.S. 358 (1953). See this REVIEW, Vol. 49, pp. 74-75 (March, 1955).

<sup>61</sup> *United States v. South-Eastern Underwriters Assn.*, 333 U.S. 533 (1944).

<sup>62</sup> *Hart v. B. F. Keith Vaudeville Exchange*, 262 U.S. 271 (1923).

antitrust laws, holding that the transportation may not be incidental. As for the *Toolson* case, the Chief Justice explained that the Court was confronted with the unique fact that for over 30 years the earlier decision had fixed specifically the status of baseball under the antitrust laws, and baseball developed in reliance upon this decision. Even so, he insisted that the Court did not necessarily reaffirm in 1953 all that was said in *Federal Baseball*. Instead, the Court had asserted that it was not re-examining the underlying issues, but was adhering to the 1922 precedent so far as that decision determined that Congress had no intention of including baseball within the scope of the Sherman Act. "In short, *Toolson* was a narrow application of the rule of *stare decisis*."

But the Court refused to convert the narrow interpretation of *Toolson* into a sweeping rule giving immunity to every business based on the live presentation of local exhibitions, regardless of how extensive its interstate phases may be. The Chief Justice suggested that if the *Toolson* rule is to be expanded or contracted, it is up to Congress to do it. Furthermore, far from holding that the theatrical business is not subject to the Sherman Act, the Court served notice within less than a year after *Federal Baseball*, in the *Hart* case, that the theatrical business could not rely upon the baseball case as a basis for exemption from the antitrust laws. The controlling decisions were held to be the *Hart* case and the motion picture cases.<sup>63</sup>

It was difficult enough to distinguish between baseball games and theatrical presentations. It was much more difficult to distinguish between baseball and boxing, but a majority of the Court were equal to the occasion in *United States v. International Boxing Club*.<sup>64</sup> This case involved a civil antitrust action against two individuals and three corporations engaged in the business of promoting professional boxing contests. The district court dismissed the complaint on the authority of the baseball cases.

The complaint alleged that the defendants utilized the channels of interstate commerce to negotiate contracts with boxers, advertising agencies, seconds, referees, judges, etc., that they maintained training quarters in states other than those in which the promoters reside, that they leased arenas in various states, sold tickets across state lines, sold rights to make and distribute motion pictures of boxing contests in thousands of theatres, and above all sold rights to broadcast and telecast boxing contests through more than 3,000 radio and 100 television stations, and to telecast boxing contests to some 200 motion picture houses. Promoters' receipts from the sale of television, radio, and motion picture rights, according to the complaint, represent on the average over 25 per cent of their total revenue. The government alleged that there existed a conspiracy to exclude competition by various practices, such as requiring agreements from each title contender to engage only in bouts promoted by the defendants for a period of several years.

<sup>63</sup> Justices Burton and Reed concurred for the reasons given by Justice Burton in his dissenting opinion in the *Toolson* case. Justice Minton concurred because he thought this case was controlled by the *Hart* case.

<sup>64</sup> 348 U.S. 236 (1955).

The Court held that the business activities in question fell within the scope of the Sherman Act. Noting that the antitrust status of the boxing business had never before been considered by the Court, Chief Justice Warren conceded that like the showing of a motion picture or the performance of a stage attraction, a boxing match is a local affair. "But that fact alone," he said, "does not bar application of the Sherman Act to a business based on the promotion of such matches, if the business is itself engaged in interstate commerce or if the business imposes illegal restraints on interstate commerce." He ruled that the fact that 25 per cent of the revenue was derived from interstate operations through the sale of radio, television, and motion picture rights was sufficient to support the conclusion that the business was within the ambit of the statute.

The Court rejected the argument that the baseball cases immunized businesses that involve exhibitions of an athletic nature, just as in the *Shubert* case it refused to accept the contention that the immunity extended to any and all live presentations of local exhibitions. The *Shubert* ruling, that *Toolson* is not authority for exempting other businesses merely because they involve the performance of local exhibitions, was held to apply fully to boxing. Finally, the Chief Justice pointed out that none of the facts underlying the *Toolson* decision was present here. No court has ever held that the boxing business is not subject to the antitrust laws. In the *Hart* case, decided within a year after the first baseball case, Justice Holmes did not draw a line between athletic and non-athletic entertainment. What was controlling was the degree of interstate activity involved in the particular business under review. Thus, *Federal Baseball* did not hold that all businesses based on professional sports are outside the scope of the antitrust laws. Whether there should be such an exemption is for Congress to decide.<sup>68</sup> Actually, it was pointed out, this issue was before Congress in 1951, when four bills were introduced to exempt all professional sports, but the subcommittee of the House Judiciary Committee was unanimously opposed to them, and that is as far as they got.

It is difficult to avoid the conclusion that in the thinking of a majority of the Justices baseball holds a preferred position. This was the argument of Justice Frankfurter who, in dissenting, maintained that "it would baffle the subtlest ingenuity" to find any differentiating factor between other sports and baseball so far as the applicability of the Sherman Act is concerned. In fact, he thought that the interstate aspects of baseball were far more extensive than those of boxing. Congress is free to yield to sentiment and be capricious, but he insisted that under the doctrine of *stare decisis* whimsy has no place in the Court. Justice Minton dissented for the quite different reason that he thought boxing was not trade or commerce and was as much a matter of local exhibitions as baseball. It should be added that Justices Burton and Reed concurred separately for the reasons given in the Burton dissent in *Toolson*.

<sup>68</sup> Congress has on occasion exempted particular activities from the antitrust laws: e.g., labor organizations, 38 Stat. 731 (1914), agricultural associations, 42 Stat. 388 (1922), and insurance, 59 Stat. 34 (1945).

They too saw no difference between boxing and baseball, but thought both were in interstate commerce.

In a third antitrust case, *Moore v. Mead's Fine Bread*,<sup>66</sup> the plaintiff brought a suit for treble damages for violation of the Clayton and Robinson-Patman Acts. Moore ran a bakery business in Santa Rosa, New Mexico, and none of his activities was in interstate commerce. The defendant corporation was in the baking business at Clovis, New Mexico, but was one of several corporations having interlocking ownership and management, and in the hands of the same group. These corporations owned plants in two Texas towns and two in New Mexico, all marketing bread under the same name and with a common advertising program, and buying their flour and bread wrappers as a unit. The plaintiff and the defendant were in competition in Santa Rosa. There was evidence that on Moore's threat to move his bakery to another town, Santa Rosa merchants agreed to buy his products exclusively. Regarding this as a boycott, the defendant company cut in half its wholesale price of bread in Santa Rosa, without reducing its prices in Texas, to which bread baked in New Mexico was trucked. The price war continued until Moore was forced out of business. The court of appeals reversed a judgment for Moore on the ground that the injury resulting from the price cutting was to a purely local competitor whose business was in no way related to interstate commerce.

By unanimous vote the Supreme Court reversed, holding that it is clear that by the Clayton and Robinson-Patman Acts Congress barred the use of interstate commerce or business to destroy local business, and outlawed the price-cutting employed by the defendant company. "We have here," said Justice Douglas, "an interstate industry increasing its domain through outlawed competitive practices. The victim, to be sure, is only a local merchant; and no interstate transactions are used to destroy him. But the beneficiary is an interstate business. . . ." And this business drew its resources from interstate as well as local sources, and kept its interstate prices high while the local prices were lowered. Thus "the profits made in interstate activities would underwrite the losses of local price-cutting campaigns."

One of the most important developments in the antitrust field during the period under review was the publication on March 31, 1955, of the *Report of the Attorney General's National Committee to Study the Antitrust Laws*.<sup>67</sup> This large committee of 59 members had been appointed on August 27, 1953, with Stanley N. Barnes, head of the Antitrust Division in the Department of Justice, and Professor S. C. Oppenheim of the University of Michigan Law School serving as co-chairmen. While the Committee made far more recommendations than can be mentioned here, it is of interest to note that the report is thickly studded with dissenting and special concurring opinions.<sup>68</sup> Perhaps

<sup>66</sup> 348 U.S. 115 (1954).

<sup>67</sup> On sale by the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., for \$1.00.

<sup>68</sup> See especially the general dissent of Professor Louis B. Schwartz, *Report*, pp. 390-92.

the greatest amount of public attention has been drawn to the recommendations dealing with antitrust administration and enforcement (chapter 8).<sup>66</sup> Here the Committee recommended that the investigative powers of the Department of Justice be expanded, that in private antitrust suits the award of treble damages be made discretionary with the trial court rather than mandatory as at present, that a uniform four-year statute of limitations be applied to private antitrust actions in place of the various state statutes which control today, that the maximum criminal fine of \$5,000 per count be doubled,<sup>70</sup> that the United States be permitted to sue for single damages,<sup>71</sup> that civil proceedings be favored over criminal actions, that enforcement procedures be encouraged and strengthened, and that trial procedures be improved, especially through greater use of pretrial conferences and interrogatories.

Another issue of coverage under the Fair Labor Standards Act was dealt with by the Court in *Mitchell v. Vollmer Co.*<sup>72</sup> The work in question was performed in the construction of an earthwork embankment and concrete platform for the Algiers Lock in Louisiana, a unit in the Gulf Intracoastal Waterway, which extends from Florida to the Mexican border. This lock is designed to give better passage into and across the Mississippi River. Both lower courts ruled that employees working on the Algiers Lock were not engaged in interstate commerce, relying upon the *Raymond* case<sup>73</sup> which held that an employee at work on a new tunnel for an interstate carrier was not subject to the Federal Employers' Liability Act, even though the tunnel, when completed, would be an interstate facility. The Supreme Court reversed, holding that the Fair Labor Standards Act is a different act, and one which has always been given a liberal construction. Whether an employee is engaged in interstate commerce within the meaning of the Act in question, said Justice Douglas, is determined by "practical considerations, not by technical conceptions." He went on to say: "The test is whether the work is so directly and vitally related to the functioning of an instrumentality or facility of interstate commerce as to be, in practical effect, a part of it, rather than isolated, local activity. . . . Repair of facilities of interstate commerce is activity 'in commerce' within the meaning of the Act." The *Raymond* case was distinguished on the ground that here the employees were not working on a new facility, but only improving existing facilities of interstate commerce.

Justices Minton and Frankfurter thought the "new construction rule" of the

<sup>66</sup> See the symposium on this section of the Report in the *North-western University Law Review*, Vol. 50, pp. 305-48 (July-Aug., 1955). See also George W. Stocking, "The Rule of Reason, Workable Competition, and Monopoly," *Yale Law Journal*, Vol. 64, pp. 1107-62 (July, 1955).

<sup>70</sup> Congress raised the maximum fine to \$50,000 per count in 1955, Act of July 7, 1955, Public Law 135, 84th Cong., 1st sess., c. 281.

<sup>71</sup> Congress has passed such a law, Act of July 7, 1955, Public Law 137, 84th Cong., 1st sess., c. 233.

<sup>72</sup> 349 U.S. 427 (1955). See Loren P. Beth, "Essentiality to Production for Commerce," *Missouri Law Review*, Vol. 20, pp. 256-72 (June, 1955).

<sup>73</sup> *Raymond v. Chicago, M. & St. P. R. Co.*, 243 U.S. 83 (1917).

FELA cases was controlling, that the administrative interpretation in the Wage and Hour Interpretative Bulletin adopted this rule, and that on the facts this was a case of new construction and not one of improving or repairing existing facilities. Perhaps the Court would have been more forthright if it had frankly overruled the *Raymond* case, since the difference between new construction and improvement of existing facilities, so far as their relation to interstate commerce is concerned, would seem to be somewhat less than cosmic.

#### 4. FEDERAL CONTROL OVER TERRITORIES

Recently the Virgin Islands, an unincorporated territory, went into the divorce business by amending its divorce law to permit a plaintiff to file suit if he or she has resided there continuously for six weeks, and if the defendant has been served personally in the district or enters a general appearance. A wife filed suit after living there 43 days, and the husband entered an appearance, waived personal service, and denied the allegations in the complaint. The district court dismissed the complaint for want of jurisdiction over the petitioner, and the court of appeals, sitting *en banc*,<sup>74</sup> affirmed on the ground that the statute violated both the Due Process Clause of the Fifth Amendment and the Organic Act. By a 5-3 vote the Supreme Court affirmed, though it held that it was unnecessary to decide any constitutional issue since in its judgment Congress did not give the Legislative Assembly of the Virgin Islands the power to enact the law in question.<sup>75</sup>

The Organic Act of 1936 authorizes the Virgin Islands Legislative Assembly to enact laws on "all subjects of local application" not inconsistent with the laws of the United States. Justice Frankfurter, who spoke for the Court, pointed out that in the organic acts of the incorporated territories of Alaska and Hawaii there is a specific provision requiring at least two years' residence for the divorce jurisdiction. It was "hardly reasonable" to believe, he declared, that Congress intended to give an unincorporated territory "unrestricted freedom in this sensitive field of legislation." The term "local application," he said, "obviously implies limitation to subjects having relevant ties within the territory, to laws growing out of the needs of the Islands and governing relations within them." In practice, Justice Frankfurter maintained, the statute in question had no point for Virgin Islanders, and was obviously designed for outsiders. It was noted that whereas in 1940 only 34 divorces were granted there, in 1951, with the same population, the number jumped to 312, and to 343 in 1952. It was also noted that most divorces were given where the tourist facilities were the greatest. "It is inadmissible to assume," said the Justice, "that Congress authorized the Assembly to traffic in easy divorces for citizens of the States as a stimulus to money-making by the Islanders." In short, the challenged divorce law was not on a subject of "local application," and was therefore *ultra vires*.

<sup>74</sup> See Richard J. Fay, "En Banc Proceedings in the United States Courts of Appeals," *George Washington Law Review*, Vol. 22, pp. 482-92 (March, 1954).

<sup>75</sup> *Granville-Smith v. Granville-Smith*, 349 U.S. 1 (1955).



The three dissenters protested that Congress has always granted the territories full authority to legislate on divorce, and that the Caribbean territories were not placed on a different footing than the others. As for the law reaching out beyond the borders of the territory, Justice Clark pointed out that many states have laws designed to attract outsiders, the Delaware corporation laws, for example. He thought the fact that Congress imposed a two-year residence requirement on Hawaii and Alaska was irrelevant, and that indeed it proved the opposite, since the fair inference would be that in the absence of the limitation these territories could do as they pleased in this respect. Justice Clark also insisted on discussing the constitutional issues which the majority had avoided. The marital relationship, in his view, does not come within the protection of the Due Process Clause. The Full Faith and Credit Clause did not apply in this case because the wife was not asking the Court to make her divorce, if granted, valid in the states. Finally, he thought the petitioner had established the fact of domicile. If a couple want a divorce, he argued, they can get one. "This being true, I see no sense in striking down the Islands' law. There is no virtue in a state of the law the only practical effect of which would be to make New Yorkers fly 2,400 miles over land to Reno instead of 1,450 miles over water to the Virgin Islands."

##### 5. FEDERAL JUDICIAL POWER

*Judicial Review of Draft Classifications.*<sup>76</sup> There were four important cases during the 1954 Term dealing with several aspects of the problem of judicial review of draft classifications. All involved claims of members of Jehovah's Witnesses to exemption from military service as conscientious objectors. Section 6(j) of the Universal Military Training and Service Act provides that no person who "by reason of religious training and belief, is conscientiously opposed to participation in war in any form" shall be required to undergo combatant training or service. Briefly, the procedure is as follows: If the local board denies the claim to exemption, the registrant may appeal to the Appeal Board. But before this Board makes its decision, the file is sent to the Department of Justice for "inquiry and hearing." The FBI makes an investigation and prepares a report, which is referred to a hearing officer of the Department. The registrant may appear before this officer and present evidence and witnesses. The Department then sends a recommendation to the Appeal Board. The statute requires this Board to consider the recommendation, but it is not bound to follow it. On the basis of the registrant's full file, the Appeal Board makes a final determination. No direct review of Appeal Board decisions is pos-

<sup>76</sup> For recent writings on administrative law topics see: Note, "Judicial Review of Reversals of Policies by Administrative Agencies," *Harvard Law Review*, Vol. 68, pp. 1251-60 (May, 1955); Ralph F. Fuchs, "The Hearing Officer Problem—Symptom and Symbol," *Tornell Law Quarterly*, Vol. 40, pp. 281-225 (Winter, 1955); Kenneth Culp Davis, "Standing to Challenge Governmental Action," *Minnesota Law Review*, Vol. 39, pp. 353-420 (March, 1955); "Ripeness of Governmental Action for Judicial Review," *Harvard Law Review*, Vol. 68, pp. 1122-53, 1326-73 (May, June, 1955).

sible. The only way a registrant can secure any judicial review is by defense to a criminal prosecution for failure to submit to induction or by a habeas corpus proceeding.

Among recent precedents it should be recalled that in *Estep v. United States*<sup>77</sup> the Court ruled that while the statutory provision that classification orders of the selective service authorities shall be "final" precludes the customary scope of judicial review, and forbids courts to weigh the evidence to determine whether the classification was justified, a board may not act without jurisdiction, and it lacks jurisdiction "if there is no basis in fact for the classification which it gave the registrant." The Court went a step further in *Dickinson v. United States*,<sup>78</sup> which held that once the registrant has demonstrated that he falls *prima facie* within the exempted class of ministers of the gospel, the board cannot make an adverse decision merely by refusing to believe his evidence, but must develop other evidence to support its conclusion. And in *Nugent v. United States*,<sup>79</sup> the Court ruled, with three Justices dissenting, that neither the statutory grant of a "hearing" nor due process requires the Department of Justice to show the registrant a copy of the FBI report, so long as he is given a fair résumé of the adverse evidence in the investigator's report.

That the scope of review is narrower in cases involving conscientious objectors than it is in the case of ministers was brought out last Term in *Witmer v. United States*.<sup>80</sup> In the course of his proceedings, Witmer made a number of inconsistent statements and claims. Affirming his conviction for failing to submit to induction, the Court noted that the scope of judicial review is narrow, that the courts are not "super draft boards," that judges should not substitute their judgments on the weight of the evidence for those of the administrators, and that the substantial evidence rule does not apply. Justice Clark made it clear that a classification can be overturned only if it has "no basis in fact." Furthermore, it was pointed out that in the *Dickinson* case there were objective, undisputed facts which placed the registrant squarely within the ministerial exemption, there being no evidence at all to rebut the *prima facie* case. But Witmer cannot make out a *prima facie* case from objective facts alone, because the ultimate question in conscientious objector cases is the sincerity of the registrant, a purely subjective question. In such cases, any facts which cast doubt on the veracity of the registrant are relevant. "In short," said Justice Clark, "the nature of a registrant's *prima facie* case determines the type of evidence needed to rebut his claim. If the issue is the nature of his activities, as in *Dickinson*, the evidence providing 'basis in fact' must tend to show that his activities are other than as stated. If, as here, the issue is the registrant's sincerity and good faith belief, then there must be some inference of insincerity or bad faith." On this view of the matter, the Court proceeded to find a "basis

<sup>77</sup> 327 U.S. 114 (1946).

<sup>78</sup> 346 U.S. 389 (1953). See this REVIEW, Vol. 49, pp. 84-85 (March, 1955).

<sup>79</sup> 346 U.S. 1 (1953). See this REVIEW, Vol. 48, p. 75 (March, 1954).

<sup>80</sup> 348 U.S. 375 (1955). See J. B. Tietz, "Jehovah's Witnesses: Conscientious Objectors," *Southern California Law Review*, Vol. 28, pp. 123-37 (Feb., 1955).

in fact" for the administrative decision. Thus, when Witmer asked for classification as a farmer, he knew the land involved had not been cultivated for 23 years. He first swore that the ministerial exemption did not apply to him, but after he was denied the farmer exemption he just as fervently claimed he was a full-time minister. Though he asked for a conscientious objector status from the outset, he also promised to contribute to the war effort but later took the opposite position. "These inconsistent statements in themselves cast considerable doubt on the sincerity of petitioner's claim." It follows that it would not be mere suspicion or speculation for the Board to conclude that Witmer was insincere in his claim to being a conscientious objector. "Even firemen become dubious after two false alarms."

Justice Minton concurred, merely stating that the Board's order was an allowable one under the law and not taken arbitrarily. Justices Black and Douglas dissented without opinion.

The second case, *Sicurella v. United States*<sup>21</sup> involved a young ordained Jehovah's Witness who, in response to the question whether he believed in the use of force under any circumstances, replied that he was willing to fight in defense of "his ministry, Kingdom Interests and . . . his fellow brethren." Overruling the hearing officer, the Department of Justice recommended that Sicurella's claim to a conscientious objector classification be denied because he was not opposed to war in any form, his reply showing that he was in favor of a theocratic war. Unlike the *Witmer* case, it was admitted that Sicurella was sincere, and the FBI report contained nothing unfavorable to his claim. The controlling statute provides that a conscientious objector must be opposed to "participation in war in any form."

The Court held that the Department of Justice recommendation was based on an error of law and reversed the conviction. Justice Clark declared that throughout Sicurella had emphasized that his weapons of warfare were spiritual, not carnal, his statements having "neither the bark nor the bite of war." As to the literature in which Jehovah's Witnesses speak of their readiness to engage in theocratic wars, Justice Clark declared that "the test is not whether the registrant is opposed to all war, but whether he is opposed, on religious grounds, to *participation* in war." He did not believe that Congress intended to include within its measure "such spiritual wars between the powers of good and evil where the Jehovah's Witnesses, if they participate will do so without carnal weapons." Congress had in mind "real shooting wars," military conflicts between nations, "wars with bombs and bullets, tanks, planes and rockets."

Justice Eed dissented on the ground that since Sicurella believed in theocratic wars he was not within the statutory exemption. Dissenting at greater length, Justice Minton argued that the administrative findings were final, and not subject to correction by a court unless errors were made "so wanton, arbitrary and capricious as to destroy the jurisdiction of the Board." Even in

<sup>21</sup> 348 U.S. 385 (1955).

the case of an honest mistake in judgment, he maintained, the Court ought not to interfere, there being not the slightest intimation of arbitrary or capricious conduct.

In *Simmons v. United States*,<sup>32</sup> the registrant made no request as to the "general nature and character" of adverse evidence in the FBI report *before* his hearing, as the form notice then required, but did make such a request at the hearing. The hearing officer did not disclose all of the important unfavorable items in the FBI report. The Supreme Court reversed Simmons' conviction, pointing out that the requirement of the *Nugent* case that the registrant be given "a fair résumé" of any adverse evidence was not a matter of grace within the Department's discretion, but rather an essential element in the procedure. The notice given to the registrant, Justice Clark declared, did not clearly convey to a layman the idea that he must request the résumé prior to the hearing or forever waive his rights in this respect. Neither the statute nor the regulations were found to authorize such a waiver. Justice Clark had no doubt that Simmons never received a fair résumé of the unfavorable evidence gathered by the FBI. For example, he was not informed at all about alleged gambling and drinking, and abusiveness towards his wife. "A fair résumé," said Justice Clark, "is one which will permit the registrant to defend against the adverse evidence—to explain it, rebut it, or otherwise detract from its damaging force." At most, the hearing officer's remarks were vague hints. In providing for a hearing, the Justice declared, Congress "did not intend for it to be conducted on the level of a game of blindman's buff." Finally, the Court rejected the government's argument that no prejudice resulted. Wrote Justice Clark: "This is not an incidental infringement of technical rights. Petitioner has been deprived of the fair hearing required by the Act, a fundamental safeguard, and he need not specify the precise manner in which he would have used this right—and how such use would have aided his cause—in order to complain of the deprivation."

Justices Black and Douglas concurred, but recorded adherence to the views expressed in their dissent in the *Nugent* case. Justice Reed dissented on the ground that since no summary was requested, none had to be given. Justice Minton also dissented, arguing that even if the board had denied a fair résumé, it had not acted arbitrarily or capriciously, and that its judgment was allowable even if erroneous. "It takes more than disagreement with the Board," he wrote, "to destroy jurisdiction, the only condition upon which courts may interfere."

In the final draft classification case, *Gonzales v. United States*,<sup>33</sup> the Court ruled that the registrant was entitled to receive a copy of the recommendation made by the Department of Justice to the Appeal Board. The silence of the statute on this point was held not to be conclusive, just as a similar silence did not mean, in the *Nugent* case, that the registrant was not entitled to a fair résumé of adverse evidence in the FBI reports. Said Justice Clark: "... we believe it also to be implicit in the Act and Regulations—viewed against our

<sup>32</sup> 348 U.S. 397 (1955).

<sup>33</sup> 348 U.S. 407 (1955).

underlying concepts of procedural regularity and basic fair play—that a copy of the recommendation of the Department be furnished the registrant at the time it is forwarded to the Appeal Board, and that he be afforded an opportunity to reply.” Since the recommendation of the Department is advisory only, a considerable latitude is permitted at the hearing. But “a natural corollary” is that the registrant ought to be given a chance to rebut the recommendation when it reaches the agency having the ultimate responsibility of making a decision. Furthermore, it was noted that the Appeal Board is the first Selective Service agency to receive the Department’s recommendation, and is usually the only decision-making body to pass on the entire file. An opportunity for the registrant to reply to this recommendation is the only means of making certain that the Board will have all the relevant facts brought to its attention. And if the registrant is to present his case to the Appeal Board effectively, he must be cognizant of all the facts before the Board. It was pointed out, for example, that the Department claimed that Gonzales became a Jehovah’s Witness one month after registration, whereas he maintained it was one month before registration that his conversion occurred.

The Court felt that it would not interfere unduly with the registration procedure to require that a copy of the Department’s recommendation be mailed to the registrant, and that he be permitted to reply to the Board. Noting that under the existing regulations the registrant already had the right to file a statement with the Appeal Board, Justice Clark observed that the right to file a statement includes the right to file a “meaningful statement, one based on all the facts in the file and made with awareness of the recommendations and arguments to be countered.” It did not suffice, the Court held, that the regulations permit rehearings, since this remedy is too little, in that the rehearing can only seek to correct “errors,” and too late, in that it is difficult to reopen a case. Two Justices dissented.

*Federal Judicial Power and the State Courts.* Of the several cases of the 1954 Term dealing with federal review of state court decisions, the most widely-noted was *Ellis v. Dixon*.<sup>84</sup> The litigation arose from the refusal of the Yonkers Board of Education to permit the Yonkers Committee for Peace to use the schoolhouse for a forum on “peace and war.” The Committee alleged denial of freedom of speech and assembly and the equal protection of the laws. The Committee conceded that a state may withhold its school facilities altogether from use by non-academic groups, and that a state may make reasonable classifications in determining the extent to which its school buildings will be made available for non-academic purposes. A New York statute permits boards of education to adopt “reasonable regulations” with regard to the use of school property “for holding social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community.” The Committee’s principal grievance was that the school board applied the statute to similar groups differently. But it failed to allege in its pleadings that other organizations of a similar character had been allowed to use the Yonkers school

<sup>84</sup> 349 U.S. 458 (1955).

buildings. The allegation in the pleadings simply was that unnamed organizations had been permitted to use the buildings for the purpose of public assembly and discussion. Whether these organizations were in any way comparable to the Committee for Peace appeared nowhere in the pleadings, nor was the practice of the board described. After losing in the state courts, the Committee applied for and was granted certiorari by the Supreme Court. Following argument and reargument a bare majority of the Court agreed that the writ should be dismissed as having been granted improvidently.

Justice Harlan, who delivered the opinion of the Court, declared that "what has been alleged is entirely too amorphous to permit adjudication of the constitutional issues asserted." Since the New York Court of Appeals denied leave to appeal without giving any reasons, the Court held that the most reasonable inference from this record was that its denial went on the ground of the inadequacy of the pleadings, for this was the basis of the decision of the Appellate Division. While it is established law that the Supreme Court is not finally bound by a state court's ruling as to the sufficiency of pleadings asserting a federal right, it may travel one of two roads. Some cases hold that the scope of Supreme Court review is limited to deciding whether the state court has bypassed the federal right under forms of local procedure. Other cases hold that the Supreme Court should accept jurisdiction and decide the sufficiency of the pleadings *de novo*. In this instance, Justice Harlan maintained, it would make no difference which road the Court took. There was no suggestion that the state was by-passing a federal right, and as for considering the case *de novo*, it was held to be altogether impossible to decide the constitutional issues on this "vague and empty record." If it could not decide the constitutional issues on this record, then by the same token the New York Court of Appeals was entirely justified in refusing to pass on them. Therefore its denial of the appeal must be regarded as resting on an adequate nonfederal ground. Four Justices dissented, merely noting that the allegations of the petition were sufficient, in their judgment, to state a case of discrimination under the Equal Protection Clause.

A much more complicated question dealing with the adequacy of the ground upon which the state courts disposed of a case was presented to the Court in *Williams v. Georgia*.<sup>85</sup> Williams, a Negro, was convicted in Fulton County of murdering a white man and was sentenced to death. Defended by a court-appointed lawyer, Williams took an appeal to the Supreme Court of Georgia, which affirmed the conviction. A few weeks later Williams' counsel filed in the trial court an extraordinary motion for a new trial, alleging for the first time that the accused had been denied the equal protection of the laws because of the manner of selection of the petit jury. It was alleged that jurors' names, if white, were on white tickets, and if Negro, on yellow tickets. Williams claimed that he had no knowledge at the time of the trial of the methods used to select the jury, and counsel filed an affidavit that this fact could not have been discovered by exercise of ordinary diligence. The trial court dismissed the extraor-

<sup>85</sup> 349 U.S. 375 (1955).

dinary motion for a new trial, and the appeal to the state Supreme Court was based almost entirely upon *Avery v. Georgia*.<sup>25</sup> In this case, which involved a Negro defendant who had been tried in the same county, the Court had ruled unanimously that the use of the white and yellow tickets was obviously designed for a discriminatory purpose and violated the Equal Protection Clause. But Avery challenged the array, and Williams did not. As for the time sequence, certiorari was granted to Avery the day before Williams' jury was selected, and the Avery appeal was decided by the United States Supreme Court over two months after Williams' trial, but a month before an amended motion for a new trial had been filed. It was the denial of this motion that led to the first unsuccessful appeal to the state supreme court. Williams' lawyer did not rely upon the *Avery* doctrine until some six months later, when he filed his extraordinary motion for a new trial.

The Georgia Supreme Court held the second time the case reached it that by failing to challenge the array Williams had waived any objections to the jury's selection. It also held that its own ruling in the *Avery* case, before the Williams trial, had fully explained the method used in selecting jurors, and that counsel therefore should have known about it. On oral argument in the United States Supreme Court, the state admitted that the use of the white and yellow tickets in this instance was, in the light of the *Avery* decision, a denial of equal protection, and that a new trial would be required but for the failure to challenge the array.

Six Justices, speaking through Justice Frankfurter, voted to remand the case to the Georgia Supreme Court. While it was conceded that a state has the power to forbid the raising of federal questions at late stages of a case, or by any other than a prescribed method, the Justice reviewed the Georgia cases and concluded that it was clear that the state allowed objections of the sort that Williams raised to be brought up at a late stage and to be determined by the state courts as a matter of discretion. It follows that the United States Supreme Court has jurisdiction to decide whether the state court action in this instance in effect denied a federal right, apparently on the theory that an abuse of discretion might amount to a violation of the Equal Protection Clause. While under Georgia practice motions for new trial after verdict—especially extraordinary motions for new trial after final judgment—are not favored, Justice Frankfurter pointed out that the Georgia statute permits them, and he found that such a motion has been granted in "exceptional" or "extraordinary" cases.

But the Court also ruled that the fact that it has jurisdiction does not compel it to exercise it. Instead of reversing, it chose to remand the case to the state's highest court, for several reasons. The principal reason was that an important factor had intervened since the affirmance by the Georgia Supreme Court, namely the acknowledgement by the state before the United States Supreme Court that as a matter of substantive law Williams had been deprived of his constitutional right to equal protection. The contrary had been argued before

<sup>25</sup> 345 U.S. 559 (1953).

the Georgia court, which may have been influenced by it. Another reason for the remand was the possibility, as intimated by the Attorney General of Georgia in his brief to the Georgia Supreme Court, that there may be another remedy. The Court also suggested that a remand was appropriate in the interests of orderly procedure. Justice Frankfurter concluded that he could not believe that the Georgia courts would allow a man to go to his death as the result of a conviction secured from a jury which the state admits was unconstitutionally impaneled.

Justices Clark, Reed, and Minton dissented. Justice Clark protested that the case had been decided on independent and adequate state grounds, since the Georgia Supreme Court had clearly stated that but for the procedural objection the *Avery* rule would control. He also maintained that the Court was determining state law, and misconstruing it at that. Furthermore, he argued that there was a good reason why Georgia requires that challenges to the array be made before trial. For example, to hold this one trial bad would upset all verdicts in the county returned during the tenure of this jury. This would be expensive, time-wasting, and disruptive of the proper administration of justice.

On the remand to the Georgia Supreme Court, Justice Frankfurter's elaborate circumlocutions went for naught, since on July 15, 1955,<sup>87</sup> that court unanimously announced its adherence to its earlier judgment. It held that the question was wholly one of state law, that there was no federal jurisdiction either to affirm or reverse, and that under Georgia law the judges had no discretion in the matter. It asserted flatly that Williams' point must be raised before trial and not otherwise. After quoting the Tenth Amendment, Chief Justice Duckworth tartly declared: "Even though executives and legislators, not being constitutional lawyers, might often overstep the foregoing unambiguous constitutional prohibition of Federal invasion of State jurisdiction, there can never be an acceptable excuse for judicial failure to observe it strictly. This court bows to the Supreme Court on all Federal questions of law but we will not supinely surrender sovereign powers of this State." It is apparent that Justice Frankfurter and some of his colleagues underestimated Georgia's passion for procedural regularity.

The great reluctance of the Supreme Court to permit the lower federal courts to enjoin proceedings in the state courts was reflected in *Amalgamated Clothing Workers of America v. Richman Brothers*,<sup>88</sup> decided by a 5-3 vote. Here an employer engaged in interstate commerce brought suit for an injunction in an Ohio court against the union, which was picketing the employer's retail stores to induce unionization of the factory. The union's motion to the state court to dismiss on the ground that the National Labor Relations Board had exclusive jurisdiction was denied. Thereupon the union sought an injunction in the federal district court to require the employer to withdraw the suit filed in the state court. The district court held that it had no power to do so, by virtue of

<sup>87</sup> *Williams v. State*, 88 S.E. 2d 376.

<sup>88</sup> 348 U.S. 511 (1955).



Section 2283 of Title 28 of the U. S. Code, which reads as follows: "A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." The Supreme Court agreed that the district court lacked jurisdiction to grant the injunction prayed for, construing the exceptions in the statute strictly, and holding that the district court could not issue an injunction staying a state court proceeding even though the state court asked jurisdiction over the subject because it invaded a field pre-empted by Congress. The Court also rejected the assumption that federal rights will not be adequately protected in the state courts. Justice Frankfurter pointed out: "With limited exceptions, it was not until 1875 that the lower federal courts were given general jurisdiction over federal questions. . . . The prohibition of §2283 is but continuing evidence of confidence in the state courts, reinforced by a desire to avoid direct conflicts between state and federal courts." Three Justices dissented on the ground that the Court's reading of the statute was literal and ignored both legislative history and a century of judicial history. Chief Justice Warren pointed out that the Board cannot act until the employer has filed a charge, which the employer has no incentive to do so long as the state court injunction is outstanding. Thus federal policy is frustrated. Justice Douglas also emphasized that since the only way out under the Court's decision is a long, drawn-out appeal through the state courts and then to the United States Supreme Court, time alone will defeat the claim at issue. This is supported by the fact that in most states a temporary injunction cannot be appealed, even if the court lacks jurisdiction to grant it, and the Supreme Court recently ruled that a temporary injunction is not a "final" judgment, and therefore is not appealable under the federal Judicial Code (Section 1257).<sup>89</sup>

*Diversity Jurisdiction.* An interesting issue touching upon the diversity jurisdiction of the federal courts was raised in *Lumbermen's Mutual Casualty Co. v. Elbert*.<sup>90</sup> Elbert, a citizen of Louisiana, was injured in an automobile accident in Louisiana because of the alleged negligence of another citizen of Louisiana who was insured by an Illinois corporation. The policy had been applied for, issued, and delivered in Louisiana. As a condition for admission to do business in Louisiana, the insurer had consented to be sued directly for damages sustained in Louisiana accidents. The direct action statute provides that at his option the injured person has a right of direct action against the insurer, and the action may be brought against the insurer alone or against both the insurer and the insured. Alleging diversity and damages in excess of \$3,000, Elbert brought an action in a federal district court in Louisiana without making the insured a codefendant. Since diversity existed only between the plaintiff and the wrongdoer's insurer, and not between the plaintiff and the wrongdoer, the district court dismissed the action for lack of jurisdiction. By

<sup>89</sup> *Montgomery Bldg. Council v. Ledbetter Brick Co.*, 344 U.S. 178 (1952).

<sup>90</sup> 348 U.S. 48 (1954).

unanimous vote the Supreme Court agreed with the Court of Appeals in holding that the district court did have jurisdiction.

Chief Justice Warren noted that the Louisiana courts have construed the statute as creating a separate and distinct cause of action against the insurer which an injured party may elect in lieu of his action against the tortfeasor. For example, in an action against the insurer alone, the insurer does not have certain defenses which would otherwise be available. Thus the insurer is not merely a nominal defendant, but the real party in interest, with "a direct financial interest in the outcome of this litigation." It was also noted that under the Louisiana statute and practice the tortfeasor was not an indispensable party to this litigation. By suing the insurer directly, the insured abandoned his action against the wrongdoer, and the one action will dispose of the entire claim completely. During some 25 years of experience with the direct action statute, there was no case where an injured party attempted to bring suit against the tortfeasor following an unsuccessful suit against the insurer in either state or federal courts.

*Admiralty Law and Marine Insurance.* A question of admiralty law with possibly significant implications was decided by a divided Court in *Wilburn Boat Co. v. Fireman's Fund Insurance Co.*<sup>91</sup> The Boat Company, a resident of Texas, insured a houseboat with Fireman's against loss from fire. The Boat Company used the boat for commercial carriage of passengers on Lake Texoma, an artificial inland lake lying between Texas and Oklahoma. After the boat was destroyed by fire, the Insurance Company refused to pay for the loss, and suit was filed in a Texas court. Fireman's removed to the federal district court on the ground of diversity, and denied liability because of an alleged breach of printed policy terms, or "warranties." The policy provided that without the insurer's consent the boat must be used solely for private pleasure purposes. According to Texas law the warranty in question might have been void, for under a Texas statute a breach of warranty is not a defense to a suit for loss unless the breach contributed to bring about the destruction of the property. But the district court refused to apply state law, holding that as a matter of federal admiralty law the "literal performance" rule applies. Under this rule every policy warranty must be fulfilled literally, and any breach bars recovery, even though a loss would have happened had the warranty been carried out to the letter. Both the district court and the court of appeals held in favor of the insurer, but the Supreme Court reversed, the opinion being delivered by Justice Black.

He agreed that since the insurance policy is a maritime contract, the Admiralty Clause of the Constitution brings it within the federal jurisdiction. "But it does not follow," said Justice Black, "as the courts below seemed to think, that every term in every maritime contract can only be controlled by some federally defined admiralty rule. In the field of maritime contracts as in that of maritime torts, the National Government has left much regulatory powers in the states." And the power of the states, exercised with federal consent or

<sup>91</sup> 348 U.S. 310 (1955).

acquiescence, has always been especially broad with regard to insurance. Since Congress has not taken over the regulation of marine insurance contracts, and has not dealt with the effect of marine insurance warranties at all, the only issues were: (1) Is there a judicially established federal admiralty rule governing these warranties? (2) If not, should the Supreme Court fashion a rule?

After reviewing the case law on the subject, the Court answered the first question in the negative. As to the second question, Justice Black argued that the whole drift of judicial and legislative history of insurance regulation counsels against the Court's creating a rule governing marine policy terms and warranties. From the beginning, the states have controlled all types of insurance companies and contracts, and in 1895 the Court ruled that the states could regulate marine insurance, just as they could regulate other types of insurance.<sup>92</sup> Justice Black noted that there has been a vast amount of insurance litigation in the state courts throughout our history. Furthermore, Congress, the insurance companies, and the insured have all acted on the assumption that the states could regulate marine insurance. Justice Black also pointed out that these questions are complex and difficult, and that while Congress could establish a uniform national policy by legislation, it would be much more difficult for the courts to do so, since they can act only in a piecemeal fashion by the case-to-case method. He feared that "such a creeping approach would result in leaving marine insurance largely unregulated for years to come." It was concluded that since the insurance business has become one of the nation's greatest enterprises under the present system of diverse state regulations, and Congress has been exceedingly cautious to disturb it, the Court should also leave the matter where it has always been, with the states.

Justice Frankfurter wrote a concurring opinion to argue that no uniform rule was necessary in this particular situation, because the transaction was essentially localized, and had little to do with shipping in its national and international aspects. But since most maritime law has come from this Court, and not from Congress, he felt that the majority went too far. There may be situations involving national, coastal, intercoastal, or river commerce which require uniform law, to avoid the vagaries of state law and to keep harmony with other great maritime powers. Two Justices dissented, arguing that the "literal performance" rule was part of both federal and English admiralty law, and that the states do not have and should not be conceded to have the power to change the general substantive admiralty law, especially where uniformity is necessary or desirable.

*Avoidance of Constitutional Issues.* The very considerable talent of the Court for avoiding decisions on constitutional issues was displayed in *Association of Westinghouse Salaried Employees v. Westinghouse Electric Corporation*.<sup>93</sup> The plaintiff in this case was an unincorporated union that served as the collective

<sup>92</sup> *Hosper v. California*, 155 U.S. 648 (1895).

<sup>93</sup> 348 U.S. 437 (1955). For an able discussion of the complexities involved in this litigation see: Donald H. Wollett and Harry H. Wellington, "Federalism and Breach of the Labor Agreement," *Stanford Law Review*, Vol. 7, pp. 445-79 (July, 1955).

bargaining representative of about 5,000 salaried employees of Westinghouse, a Pennsylvania corporation engaged in interstate commerce. The union filed this suit in a federal district court to enforce collective bargaining agreements then in effect between it and the Company. The suit was for pay allegedly due the workers for one day's work, and it was filed under Section 301 of the Labor-Management Relations Act of 1947, the pertinent language of which is as follows: "(a) Suits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this Act, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties. (b) . . . Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. . . ." The court of appeals held that each employee had an individual contract with the company, but that the collective contract itself was not a contract of hire. It therefore vacated, with directions to dismiss the complaint for lack of jurisdiction, the district court's judgment, which had dismissed the complaint on the merits. While six Justices voted to affirm, there was no agreement on a supporting rationale, and therefore no opinion of the court. Justice Frankfurter, who was joined by Justices Burton and Minton, wrote the lead opinion, an involved opinion singularly lacking in clarity. He pointed out that Congress has not defined the law which would determine the rights of the parties, and has not authorized the federal courts to fashion the rules. This gives rise to a serious constitutional issue, since it would follow that Congress merely provided a federal forum for state law. Justice Frankfurter concluded that despite the broad language of Section 301, Congress did not intend to confer jurisdiction over this type of suit. Legislative history shows that Section 301 was merely a procedural provision, requiring the federal courts to treat an unincorporated labor union as if it were a natural or corporate legal person, and he argued that the grant of federal question jurisdiction under Article 3, Section 2, of the Constitution must involve some aspect of federal law essential to the plaintiff's success. "We must, of course," he declared, "defer to the strong presumption—even as to such technical matters as federal jurisdiction—that Congress legislated in accordance with the Constitution." But Congress did not intend, in his view, to authorize the federal courts to work out a federal code governing collective bargaining contracts, for that would lead to several unpleasant consequences. It would invite conflict with state court interpretations of collective bargaining agreements. It would displace state law by federal law in the state courts. It would exclude state court jurisdiction. In short, "to turn §301 into an agency for working out a viable theory of the nature of a collective bargaining agreement smacks of unreality." It follows that "serious constitutional problems may be avoided, and indeed must be, through the orthodox process of limiting the scope of doubtful legislation."

Chief Justice Warren, who was joined by Justice Clark, argued that the language of Section 301 is not sufficiently explicit nor its legislative history suffi-

ciently clear to indicate that Congress intended to authorize a union to enforce in a federal court the uniquely personal right of an employee for whom it had bargained to receive compensation for services rendered his employer. Thus in his view it was unnecessary to make labor policy or raise constitutional issues. In a third concurring opinion, Justice Reed maintained that the fact that a great deal of state law may be applied in Section 301 suits should not affect the validity of the statute. If state law is applied, it operates by permission of Congress, being incorporated by reference. In his judgment, it was immaterial whether the rules of substantive law applied by the federal courts are derived from federal or state sources. Justice Reed concurred because he thought that the claim for wages for the employees arises from separate hiring contracts between the employer and the employee, since the union does not undertake to do work for the employer, or even to furnish workers. Justices Douglas and Black dissented.

*Sovereign Immunity from Suit.* An interesting problem touching upon the position of a foreign sovereign in a federal court was resolved by a 4-3 vote of the Justices in *National City Bank v. Republic of China*.<sup>94</sup> In 1948, an official agency of the Republic of China established a \$200,000 deposit account with the Bank. When, at a later date, the Republic sought to withdraw the funds, the Bank refused to pay, and the Republic brought suit in a federal district court. The Bank set up a counterclaim as a defense, seeking judgment for two defaulted Treasury Notes of the Republic which the Bank owned. The counterclaim was much larger than the amount sued for by China, but it should be added that the Bank did not seek affirmative relief. Both lower courts held that to entertain the counterclaim would be an invasion of the Republic's sovereign immunity. A majority of the Supreme Court speaking through Justice Frankfurter, disagreed, holding the counterclaim proper.

Although Justice Frankfurter agreed that the status of the Republic of China in our courts is for the Executive and not the courts to decide, and that China and its agencies enjoy the customary immunities, he emphasized that while indications of this Court have also established that a foreign sovereign is free from suit in court, this is not, unlike the state's Eleventh Amendment immunity, based on any explicit command of the Constitution. He went on to point out that even the immunity of the United States is a legal doctrine not favored by the test of time, noting that as early as 1797 Congress passed an act which provided that when the United States sues an individual, he can set off all debts properly due him from the sovereign. The liability of the United States was, of course, greatly expanded with the Court of Claims Act of 1855 and the Tort Liability Act of 1946. These developments are based on new views strongly held. "The claims of dominant opinion rooted in sentiments of justice and public morality are among the most powerful shaping-forces in lawmaking by courts." In addition, Justice Frankfurter noted that the State Department has adopted a restrictive policy toward the claim of immunity.

<sup>94</sup> 343 U.S. 356 (1955).

Its failure or refusal to suggest immunity has been given "significant weight" by the Court. Furthermore, in 1952 the State Department pronounced broadly against recognizing sovereign immunity for the commercial operations of a foreign government. Justice Frankfurter emphasized that in this case there was no attempt to bring a foreign government into one of our courts as a defendant. "We have a foreign government invoking our law but resisting a claim against it which fairly would curtail its recovery. It wants our law, like any other litigant, but it wants our law free from the claims of justice." Finally, it was noted that the State Department has not asked for allowance of counter-claims nor intimated in any way that their allowance in such a situation would embarrass friendly relations with China.

Speaking for the three dissenters, Justice Reed maintained that the Bank's counterclaim was entirely disconnected from the original action, and was like a suit against the foreign sovereign. He declared that immunity from suit does not mean irresponsibility, since liability may be satisfied in other ways, and that the sovereign's freedom from judicial control does not depend upon the will of the courts, but rather upon the will of the sovereign of the territory and upon international comity. He thought that the attitude of the State Department as to the desirability of relaxing the strict rule of immunity for acts of commerce was inapplicable here, because the Treasury Notes were sovereign obligations "of the highest public character."

## II. QUESTIONS OF STATE POWER

### 1. DUE PROCESS OF LAW<sup>95</sup>

*Regulation of Professions.* An Oklahoma statute regulating ophthalmologists, optometrists, and opticians, parts of which had been held unconstitutional by a three-judge federal district court, was sustained in its entirety by a unanimous vote in *Williamson v. Lee Optical of Oklahoma*.<sup>96</sup> One section of the act makes it unlawful for any person not a licensed optometrist or ophthalmologist to fit lenses to a face or to duplicate or replace into frames lenses or other optical appliances, except upon written prescriptive authority of an Oklahoma licensed ophthalmologist or optometrist. This provision the district court held invalid because it could not see how the requirement of a prescription merely to take old lenses and place them in new frames, or to replace broken lenses, had any

<sup>95</sup> On the due process clause see: Howard J. Graham, "Our 'Declaratory' Fourteenth Amendment," *Stanford Law Review*, Vol. 7, pp. 3-39 (Dec., 1954), "An Innocent Abroad: The Constitutional Corporate 'Person'," *U.C.L.A. Law Review*, Vol. 2, pp. 155-211 (Feb., 1955); Robert M. Holmes, "The Fourteenth Amendment and the Bill of Rights—An Historical Interpretation," *South Carolina Law Quarterly*, Vol. 7, pp. 596-619 (Summer, 1955); Albert R. Beisel, Jr., "Control over Illegal Enforcement of the Criminal Law: Role of the Supreme Court," *Boston University Law Review*, Vol. 34, pp. 413-48 (Nov., 1954), Vol. 35, pp. 1-76 (Jan., 1955); Rex A. Collings, Jr., "Unconstitutional Uncertainty—An Appraisal," *Cornell Law Quarterly*, Vol. 40, pp. 195-237 (Winter, 1955); Note, "The Right of State Appeal in Criminal Cases," *Rutgers Law Review*, Vol. 9, pp. 545-54 (Spring, 1955).

<sup>96</sup> 348 U.S. 483 (1955).

reasonable relationship to health and welfare. The Supreme Court disagreed, holding that this due process issue was controlled by *Roschen v. Ward*,<sup>97</sup> in which Justice Holmes upheld a New York law making it unlawful to sell eyeglasses at retail in any store, unless a duly licensed physician or optometrist was in charge and in personal attendance. While the Oklahoma law may in many cases "exact a needless, wasteful requirement" Justice Douglas declared that it is for the legislature and not the courts to balance the advantages and disadvantages of the new provision. Since there are some cases where the directions in a prescription are essential, the legislature might have decided that there are enough such occasions to justify this regulation. Furthermore, it may or may not be necessary to have a prescription for the purpose of duplicating lenses; this, too is for the legislature to decide. The legislature may also have thought that eye examinations are so critical that one should accompany every change in frames or duplication of a lens. Justice Douglas noted, however, that the law does not require a new examination every time frames are changed or lenses are duplicated, if the old prescription is on file with the optician. In any event, a state law need not be in every respect logically consistent with its aims to be constitutional. "The day is gone," said Justice Douglas, "when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought." As was said in *Munn v. Illinois*,<sup>98</sup> for protection against abuses by legislatures, the people must resort to the polls, not the courts.

Another section of the statute provides that while opticians are subject to this regulatory system, all sellers of ready-to-wear glasses are exempt. The district court decided that this violated the Equal Protection Clause. The Supreme Court held, however, that the legislature has very wide powers of classification, that a reform may take one step at a time, that the legislature may deal with whatever phase of a field of activity is regarded as most acute, and neglect the others, and that all the Equal Protection Clause forbids is "the invidious discrimination," a point not reached here.

Another section, making it unlawful "to solicit the sale of . . . frames, mountings . . . or any other optical appliances" was held unconstitutional by the district court as going too far in regulating the advertising of frames, in which it could see no harm. But the Supreme Court ruled that an eyeglass frame is not merely a piece of merchandise; it is used with lenses, and lenses enter the field of health. The legislature might well have concluded that to regulate one effectively it would have to regulate the other, or the legislature might think that sellers of frames and lenses are in a business where advertising should be limited or even abolished in the public interest. Finally, the Court held valid a section providing that "no person, firm, or corporation engaged in the business of retailing merchandise to the general public shall rent space,

<sup>97</sup> 273 U.S. 337 (1929).

<sup>98</sup> 94 U.S. 113 (1876).

sublease departments, or otherwise permit any person purporting to do eye examination or visual care to occupy space in such retail store." This regulation was likened to the statute, previously sustained, which denied corporations the right to practice dentistry.<sup>99</sup> Since the Oklahoma Act attempts, as far as possible, to free a profession from all taints of commercialism, it might be deemed important that the eye doctor be limited to geographical locations which reduce the temptations of commercialism.

*Fair Procedure: The Right to an Unbiased Judge.* Under Michigan law any judge of a court of record may serve as a one-man grand jury, and compel witnesses to appear in secret and testify about suspected crimes. In the case of *In re Oliver*,<sup>100</sup> the Court held that the judge-grand jury may not summarily convict a witness of contempt for conduct in the secret hearing, that due process requires a public trial after reasonable notice, with the right to call witnesses, cross-examine adverse witnesses, and be represented by counsel. In *In re Murchison*<sup>101</sup>, the Court decided, by a 6-3 vote, that due process has been violated if the judge who was the one-man grand jury presides at the contempt hearing. Said Justice Black: "A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome." This case, he held, came within the rule of the famous *Tumey* decision,<sup>102</sup> that the measure of bias is possible temptation to the average man as judge. Since the single judge-grand jury was part of the accusatory process, he cannot "in the very nature of things," be wholly disinterested in the results. Furthermore, as a practical matter, Justice Black insisted, it is difficult if not impossible for a judge to free himself from the influence of what happened in the secret session. His recollection is likely to weigh more heavily than the testimony given in open court. For example, the judge's remarks about a defendant's inscilent attitude are not subject to refutation by witnesses. In addition, the judge himself might have to be a witness, and in that event he would either testify in a case he would have to decide, or deprive the accused of the right to cross-examine, which is essential to a fair trial.

Three Justices dissented on the ground that it had not been proved that the judge was actually biased in any way. They also called attention to the rule of the *Sacher* case,<sup>103</sup> under which a federal district judge can summarily punish a contempt previously committed in his presence. The only difference was that in *Sacher* the contempt was committed in open court at a public trial. When the contempt is not committed in open court, a full trial is required on the contempt, which the defendants had, and which was all they are entitled to. Thus

<sup>99</sup> See *Semler v. Oregon State Dental Examiners*, 294 U.S. 608, 611 (1935).

<sup>100</sup> 333 U.S. 257 (1948).

<sup>101</sup> 349 U.S. 133 (1955).

<sup>102</sup> *Tumey v. Ohio*, 273 U.S. 510 (1927).

<sup>103</sup> *Sacher v. United States*, 343 U.S. 1 (1952).



the dissenters maintained that the Court was imposing a more stringent requirement on state judges than has been imposed upon the federal judges. The *Turney* case was distinguished on the ground that it involved the judge's compensation.

*Coerced Testimony.* Regan refused to testify before a New York grand jury which was investigating the relation between the police and criminal elements, and was convicted of criminal contempt. The New York Constitution provides that no person shall "be compelled in any criminal case to be a witness against himself." At the time this case arose, Section 331 of the New York Penal Law provided that testimony regarding bribery cannot be withheld on the ground of self-incrimination, but conferred immunity from any prosecution for any criminal activity revealed in such testimony. According to Section 903 of the Charter of the City of New York, any city employee who refuses to sign a waiver of his immunity against later prosecution upon any matter of an official nature about which he is asked to testify must be discharged from his job and disqualified from future employment with the city. The state constitution has a similar provision, except that the disqualification is limited to five years. When first called to testify before the grand jury on March 7, 1951, Regan was a member of the police department of New York. Before being sworn, he signed a waiver of immunity against prosecution, and after being sworn he testified that the waiver had been executed voluntarily and with full understanding of its meaning. He was given a financial questionnaire to fill out, but on March 27, 1951, he resigned from the force. He was called, on October 22, 1952, and again failed to fill out the questionnaire. On December 21, 1952, he was called once more and asked whether he had accepted bribes while a policeman. When he refused to answer on the ground of self-incrimination, he was convicted of criminal contempt after a jury trial. On appeal he claimed that he did not understand the waiver when he signed it, and that the Fourteenth Amendment prevents a state from jailing a person for refusing to give self-incriminatory testimony.

Six Justices voted to affirm Regan's conviction.<sup>104</sup> Speaking for the Court, Justice Reed held that the immunity statute was crucial, since it removed any possible justification for not testifying. In his view it was immaterial whether the waiver was valid or not, voluntary or coerced, since in either case the obligation to testify remained unimpaired. For if the waiver was valid, Regan had voluntarily waived the immunity, and if invalid, then immunity from prosecution still exists. Stressing that this was a conviction for refusing to testify, Justice Reed pointed out that while the invalidity of the waiver may be made a defense to a later prosecution, it is no defense to a refusal to testify. The Chief Justice wrote a brief concurring opinion to emphasize that substantial federal questions may arise if Regan is again called upon to testify concerning bribery on the police force while he was an officer, and is then denied immunity as to any offenses related to the investigation. At that point he might contend that

<sup>104</sup> *Regan v. New York*, 349 U.S. 58 (1955).

the waiver was coerced, or improper because of its use so many months after his public employment ended.

Justice Black, with whom Justice Douglas agreed, wrote a dissenting opinion, insisting, as he has so often in the past, that the Fourteenth Amendment applied the Fifth Amendment to the states. But even if it does not, he argued that this case falls within the rule so often applied by the Court that due process does not permit a state to convict a person on testimony it coerced from him. And he declared that "it is certainly coercion to throw a man into jail unless he agrees to testify against himself."

*Appeal Procedure.* An interesting procedural point was at issue in *National Union of Marine Cooks and Stewards v. Arnold*.<sup>105</sup> This litigation was the result of a "blacklisting" letter written by a Union agent to persons able to affect the employment of some 95 men who were stewards in the Alaska trade. The Washington state court in which the suit was brought held the letter libelous *per se*, and awarded judgment for \$475,000. The next day, the Union filed a notice of appeal, but offered no supersedeas bond, and obtained no stay of proceedings. Later the trial court discovered in supplementary proceedings that the Union owned no substantial assets in Washington, but had United States bonds worth \$298,000 in California. The court ordered the Union to deliver these bonds to it for safekeeping pending the disposition of the appeal. Two months later, on failure of the Union to deliver the bonds, the court held it in contempt, ruling that its conduct frustrated the enforcement of the judgment. The following month the state supreme court struck from its calendar the Union's appeal on the merits, pending its review of the adjudication of contempt, unless the Union sooner purged itself of the contempt. The following week this court affirmed the adjudication of contempt, and dismissed the main appeal unless, within fifteen days, the Union purged itself of the contempt by delivering the bonds.

The Supreme Court approved of this procedure by a 6-2 vote, holding that dismissal of an appeal for a money judgment does not violate due process where it constitutes a reasonable means of safeguarding the collectibility of that judgment. The earlier case of *Hovey v. Elliott*<sup>106</sup> was distinguished, for in that case the trial court did not even permit the defendant to make an answer because he refused to deliver certain funds which were the subject of the litigation to a court-appointed receiver. This was held by the Supreme Court to be a denial to the defendant of his constitutional right to a day in court. But the Union had its day in court. The dismissal cut off only a statutory right of review, after a full trial by judge and jury. It is established, said Justice Burton, that "while a statutory review is important and must be exercised without discrimination, such a review is not a requirement of due process." He went on to say: "Where the effectiveness of a money judgment is jeopardized by the judgment debtor, he has no constitutional right to an appeal extending that frustration." Justices

<sup>105</sup> 348 U.S. 37 (1954).

<sup>106</sup> 167 U.S. 409 (1897).

Black and Douglas dissented on the theory that the right to defend is basic to justice, and that the appeal is but a continuation of the Union's defense.

*Right to Counsel.* Ever since *Betts v. Brady*,<sup>107</sup> the Court has taken the position that in noncapital cases a state has not violated due process by refusing to appoint counsel to represent the accused at the trial unless it could be shown that the absence of counsel resulted in injustice. But by a unanimous vote the Court made it clear, in *Chandler v. Fretag*,<sup>108</sup> that while the right to appointed counsel is qualified, the defendant's right to be heard through a lawyer of his own choice is unqualified. That is to say, a defendant's right to get a lawyer of his own does not depend upon the existence of a situation where he would have been entitled to appointed counsel. Thus, where a defendant appears for trial without a lawyer, and asks the court for a continuance in order to get one, the judge violates due process by denying the request. The Court also held in this case that waiver of the right to counsel on a felony charge does not also constitute a waiver on an habitual criminal charge, which was held to be an essentially independent proceeding under state law.

A situation calling for application of the rule of *Betts v. Brady* was before the Court in *Massey v. Moore*.<sup>109</sup> Massey was serving a life sentence in a Texas prison following conviction for a third felony. He filed a petition for a writ of habeas corpus in the federal district court on the ground that he was of unsound mind and had been unassisted by counsel at the trial. He alleged that he had been in the state psychopathic hospital for several months before the trial, and had been removed from a straitjacket only four days before trial. He had entered a plea of not guilty, but apparently made no attempt to conduct any defense. The Texas courts had denied relief because under state law the question of whether he was insane and thus unable to conduct his own defense could be raised only on appeal, and not collaterally. The federal district court denied the petition without a hearing, and the court of appeals affirmed on the following grounds: (1) an issue is now raised which could and should have been raised at the trial; (2) the insanity issue had been decided against the petitioner by the district court in a previous proceeding in 1948; (3) the allegations presented no substantial federal question.

The Supreme Court Justices were unanimous in holding that on the allegations Massey was entitled to a hearing on his petition for the writ.<sup>110</sup> As regards

<sup>107</sup> 316 U.S. 455 (1942).

<sup>108</sup> 348 U.S. 3 (1954). Consult: William M. Eeany, *The Right to Counsel in American Courts* (Ann Arbor, 1955), and see the review by Richard C. Donnelly in *Yale Law Journal*, Vol. 65, pp. 1039-95 (June, 1955); David Fellman, "The Right to Counsel under State Law," *Wisconsin Law Review*, Vol. 1955, pp. 28-328 (March, 1955). It is of interest that once again the Judicial Conference of the United States has approved proposed legislation which would provide for the appointment of public defenders by federal district courts which wanted them, or in the alternative would allow compensation to counsel appointed to represent indigent defendants. *Report of the Proceedings of a Special Session of the Judicial Conference of the United States*, March 21, 23, 1955, Washington D.C., p. 21.

<sup>109</sup> 348 U.S. 105 (1954).

<sup>110</sup> See Note, "Federal Habeas Corpus for State Prisoners," *Columbia Law Review*, Vol. 65, pp. 196-209 (Feb., 1955).

the 1948 decision, it was noted that the district court had made its ruling on the erroneous assumption that the accused had had a lawyer; not until 1952 was the record corrected to show that he did not have one. Thus the earlier finding that he was competent to stand trial with counsel does not necessarily support the conclusion that he was competent to stand trial without counsel. Since the allegation of mental incapacity at the time of the trial must, on the present pleadings, be taken as true, it follows, said Justice Douglas, that he was effectively foreclosed from defending himself. "We cannot hold an insane man tried without counsel to the requirement of tendering the issue of his insanity at the trial. If he is insane, his need of a lawyer to tender the defense is too plain for argument." The Fourteenth Amendment requires a fair trial, and "no trial can be fair that leaves the defense to a man who is insane, unaided by counsel, and who by reason of his mental condition stands helpless and alone before the court. Even the sane layman may have difficulty discovering in a particular case the defenses which the law allows." It follows that the failure of an insane man to raise the question of his insanity on appeal merely underscores his need for counsel, and does not result in the waiver or loss of his constitutional right.

## 2. EQUAL PROTECTION OF THE LAWS

*School Segregation.* When the Court ruled, on May 17, 1954, that the "separate but equal" doctrine did not square with the command of the Equal Protection Clause of the Fourteenth Amendment, it postponed to a later date the fashioning of a decree.<sup>111</sup> Oral argument on the decree was originally scheduled for December 6, 1954, but it was postponed until April 11, 1955, probably because of the Senate's long delay in confirming the nomination of Justice Harlan. The issues were discussed with unusual amplitude, the Court allowing 14 hours of argument. The Attorney General of the United States and the Attorneys General of all states requiring or permitting racial discrimination in public education were invited to present their views. Briefs were filed by the parties, by the United States, and by Florida, North Carolina, Arkansas, Oklahoma, Maryland, and Texas, and they all participated in the oral argument.

<sup>111</sup> *Brown v. Board of Education*, 347 U.S. 483 (1954). See this REVIEW, Vol. 49, pp. 96-99 (March, 1955). There was much discussion of the problem of school segregation during the Term. See: C. Vann Woodward, *The Strange Career of Jim Crow* (New York, 1955); Robin M. Williams, Jr., and Margaret W. Ryan, *Schools in Transition* (Chapel Hill, 1954); Truman Pierce and others, *White and Negro Schools in the South* (Englewood Cliffs, N.J., 1955); James C. N. Paul, *The School Segregation Decision* (Chapel Hill: Institute of Government, University of North Carolina, 1954); Herbert Hill and Jack Greenberg, *Citizen's Guide to De-Segregation* (Boston, 1955); Lillian Smith, *Now Is the Time* (New York, 1955); Symposium, "Segregation in the Public Schools," *Journal of Public Law*, Vol. 3, pp. 5-170 (Spring, 1954); Arthur E. Sutherland, "Segregation by Race in Public Schools: Retrospect and Prospect," *Law and Contemporary Problems*, Vol. 20, pp. 169-83 (Winter, 1955); George J. Bertain, Jr., "Racial Segregation in the Public Schools," *Catholic University of America Law Review*, Vol. 5, pp. 141-56 (May, 1955); James Rorty, "Desegregation along the Mason-Dixon Line," *Commentary*, Vol. 18, pp. 493-503 (Dec., 1954). For a brilliant discussion of the school segregation cases see Edmond Cahn, "1954 Annual Survey of American Law: Jurisprudence," *New York University Law Review*, Vol. 30, pp. 150-69 (Jan., 1955).

Speaking again for a unanimous Court, Chief Justice Warren made it clear that the 1954 decision established the fundamental principle "that racial discrimination in public education is unconstitutional."<sup>112</sup> Therefore, he added, "all provisions of federal, state, or local law requiring or permitting such discrimination must yield to this principle." Nevertheless he explained that reargument had been requested on the question of relief because the cases arose under different local conditions, and their disposition will involve a variety of local problems. Indeed, said the Chief Justice the arguments presented to the Court showed the complexities involved in making the transition, and also indicated that substantial steps have already been taken to eliminate racial discrimination.

The decree remanded the cases to the courts which originally heard them "because of their proximity to local conditions and the possible need for further hearings. . . ." In fashioning and enforcing their decrees, these courts were directed to be guided by "equitable principles." The Chief Justice explained: "Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them."

Giving weight to these public and private considerations, the trial courts were enjoined to require the defendants to make "a prompt and reasonable start toward full compliance" with the ruling. Having started, they may find that additional time is needed, but the burden of proof will be on the defendants to demonstrate that such time is necessary in the public interest, and "consistent with good faith compliance at the earliest practicable date." To this end, these courts may consider problems of administration, the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas, and the revision of local laws and regulations. Thus four of the five judgments appealed from were reversed and remanded, and while the Delaware decision was affirmed, it was remanded to the state supreme court for such further proceedings as it may deem necessary in the light of this opinion.

The Court's refusal to issue a forthright decree ordering compliance with the Constitution within a specified period of time is, of course, an open invitation to prolong the controversy. The great drama of implementing the Supreme Court's

<sup>112</sup> *Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955).

decree has now begun.<sup>113</sup> Those who wish to keep abreast of the subject are advised to consult a new monthly publication, the *Southern School News*, prepared by the Southern Education Reporting Service, an organization of Southern newspaper editors and educators, with the assistance of a grant from the Fund for the Advancement of Education.<sup>114</sup> The developments are far too numerous and complex for adequate discussion here. A good example is the *Hawkins* case, in which a Negro sought admission to the College of Law of the University of Florida, and which the Supreme Court remanded to the highest court in Florida in 1954 for reconsideration in the light of the new position created by the *Segregation Cases*.<sup>115</sup> The Florida Supreme Court had ruled against *Hawkins* in 1952 for the reason that he could get a legal education at the Law School of the Florida A. & M. University for Negroes, the facilities of which, while not identical, were found to be substantially equal.<sup>116</sup> On the remand, the Florida court emphasized that the 1955 decree does not require the state to admit *Hawkins* immediately, or at any particular time in the future, took note of current serious problems in relation to desegregation, and, accordingly, refused to issue the peremptory writ of mandamus prayed for.<sup>117</sup> Instead, the court appointed a circuit judge to serve as a commissioner of the court, to take testimony on the problems involved in desegregation. The commissioner was directed to file the transcript of the testimony, without recommendations or findings of fact, within four months. Two judges dissented. Judge Terrell filed a fascinating concurring opinion in which he argued that segregation has always been "the unvarying law of the animal kingdom." Thus he noted that "the dove and the quail, the turkey and the turkey buzzard, the chicken and the guinea, it matters not where they are found, are segregated; place the horse, the cow, the sheep, the goat and the pig in the same pasture and they instinctively segregate." Fish and birds have the same instinct. In fact, said the learned judge, "when God created man, he allotted each race to his own continent according to color, Europe to the white man, Asia to the yellow man, Africa to the black man and America to the red man. . . ." Accordingly, he took a very conservative view of what should be done, in the light of Chief Justice Warren's statement that the courts are to be governed by "equitable principles . . . characterized by a practicable flexibility."

*Segregation in Cemeteries.* There being no observable limits to the range of

<sup>113</sup> See Note, "Supreme Court Equity Jurisdiction: The Decrees in the Segregation Cases," *Yale Law Journal*, Vol. 64, pp. 124-36 (Nov., 1954); Note, "Implementation of the Segregation Decisions," *Northwestern University Law Review*, Vol. 49, pp. 557-66 (Sept.-Oct., 1954); F. B. Nicholson, "Legal Standing of the South's School Resistance Proposals," *South Carolina Law Quarterly*, Vol. 7, pp. 1-64 (Fall, 1954); William F. Winter, "Mississippi's Legislative Approach to the School Segregation Problem," *Mississippi Law Review*, Vol. 26, pp. 165-72 (March, 1955).

<sup>114</sup> Vol. 1, No. 1, appeared September 3, 1954. The subscription rate is \$2 for a year, \$3.75 for two years. The address is P.O. Box 6156, Acklen Station, Nashville 5, Tennessee.

<sup>115</sup> *Florida ex rel. Hawkins v. Board of Control of Florida*, 347 U.S. 971 (1954).

<sup>116</sup> *State ex rel. Hawkins v. Board of Control*, 60 So. 2d 162 (Fla. 1952).

<sup>117</sup> *State ex rel. Hawkins v. Board of Control*, 83 So. 2d 20 (Fla., Oct. 19, 1955).

man's fears, follies, and prejudices, the problem of segregation continues beyond our terrestrial existence to the cemetery. A case involving this ghoully issue finally reached the Court from Sioux City, Iowa, where a woman entered into a contract for the purchase of a burial lot in which to deposit the earthly remains of her husband, who had been killed in unsegregated action while in the United States army in Korea. After services had been conducted at the grave site, the cemetery company refused to bury the husband when it was discovered that he was an Indian (Winnebago), a fact not previously known to it. The contract of sale included a clause expressly forbidding the burial of non-Caucasians in the cemetery. Thereupon the widow brought suit for damages to compensate for mental suffering. The Iowa Supreme Court held<sup>118</sup> that allowing the defendant to rely upon this restrictive covenant did not constitute an exertion of governmental power to aid discrimination *directly*, and was therefore outside the ruling of the *Shelley* case<sup>119</sup> and a dictum in the *Civil Rights Cases*.<sup>120</sup> The Supreme Court affirmed the Iowa decision by a 4-4 vote, in 1954,<sup>121</sup> but later granted a petition for a rehearing, following which it dismissed the writ of certiorari, by a 5-3 vote, as having been granted improvidently.<sup>122</sup>

At the rehearing, attention was focussed upon an Iowa statute, enacted since the initiation of this litigation, which makes it impossible for this question ever to arise again. The Court's expert on certiorari, Justice Frankfurter, pointed out that under Rule 19 the writ is granted where there are "special and important reasons." A case may raise a question which presents intellectual or abstractly interesting problems: "but this Court does not sit to satisfy a scholarly interest in such issues. Nor does it sit for the benefit of the particular litigants." The problem of a case must be "beyond the academic or the episodic" before the Court will take it. Especially where constitutional issues are involved, said Justice Frankfurter, is it the duty of the Court to avoid decision "unless avoidance becomes evasion." Since Iowa now has a statute forbidding discrimination by cemeteries on the grounds of race or color, the present case assumes "an isolated significance." If there had been error, he asserted, Iowa has corrected it. Dismissal of certiorari he insisted, even after full argument, was not at all unique, there having already been over 60 such cases, "an impressive practice."

Justice Black, who was joined by Chief Justice Warren and Justice Douglas, was not impressed. Noting that serious Fourteenth Amendment questions were raised and remain unanswered, he wrote: "The Court dismisses the case because the Iowa Legislature has provided that every person in Iowa except one who has already filed a suit can prosecute claims like this. Apparently this law leaves everyone in Iowa free to vindicate this kind of right except the petitioner. This

<sup>118</sup> *Rice v. Sioux City Memorial Park Cemetery*, 245 Iowa 147, 60 N.W. 2d 110 (1953).

<sup>119</sup> *Shelley v. Kraemer*, 334 U.S. 1 (1948). See Clement E. Vose, "N.A.A.C.P. Strategy in the Covenant Cases," *Western Reserve Law Review*, Vol. 6, pp. 101-45 (Winter, 1945).

<sup>120</sup> 109 U.S. 3, 17 (1883).

<sup>121</sup> *Rice v. Sioux City Memorial Park Cemetery*, 348 U.S. 380 (1954).

<sup>122</sup> 349 U.S. 70 (1955).

raises a new question of denial of equal protection of the laws equally as grave as those which prompted us to take this case originally. We cannot agree that this dismissal is justified merely because this petitioner is the only one whose rights may have been unconstitutionally denied."<sup>123</sup>

### 3. STATE POWER AND THE COMMERCE CLAUSE

Hayes Freight Lines, Inc., is an interstate motor carrier transporting goods to and from many points in Illinois and seven other states under a certificate issued by the ICC under the Federal Motor Carrier Act. The company also carries on an intrastate carrier business in Illinois under a certificate issued by state authorities. An Illinois statute limits the weight of freight that can be carried in commercial trucks on the state's highways, and also provides that freight loads must be in balanced distribution with regard to truck axles. Repeated violation of these provisions is punishable by total suspension of the carrier's right to use Illinois roads for periods of time ranging from 90 days to one year. In an action brought to restrain Illinois officials from prosecuting the company as a repeated violator, the state's highest court ruled that the statutory suspension could not be imposed on the company's interstate operations without violating the Federal Motor Carrier Act. The Supreme Court affirmed unanimously.<sup>124</sup> Justice Black pointed out that the federal Act is a comprehensive plan for regulating the carriage of goods by motor truck in interstate commerce, so all-embracing that former state power over interstate commerce was greatly reduced. He added that "no power at all was left in states to determine what carriers could or could not operate in interstate commerce." The federal statute authorizes certificates and declares that they shall remain in effect until suspended or terminated as therein provided. It was noted that Congress narrowly limited the power of the ICC to suspend or revoke the certificate, requiring a hearing and a finding of wilful negligence. Justice Black held that the state's suspension of this carrier's right to use the highways of Illinois was the equivalent of a partial suspension of its federally-granted certificate. It was also noted

<sup>123</sup> The gentle reader will be delighted to know that we now have it on the authority of a California judge that God does not permit segregation in the hereafter. Dooling, J., concurring in *Long v. Mountain View Cemetery Association*, 130 C.A. 2d 328, 330, 278 P.2d 945, 946 (App. 1st Dist, 1955). The court held in this case that a cemetery was not a place of public accommodation within the meaning of the state equal rights law, and therefore dismissed an action for damages brought under it. The concurring judge denounced burial ground segregation as "a particularly stupid form of human arrogance and intolerance."

For writings on other equal protection issues see: Charles Abrams, *Forbidden Neighbors: A Study of Prejudice in Housing* (New York, 1955); Note, "The Operation of State Fair Employment Practices Commissions," *Harvard Law Review*, Vol. 68, pp. 685-97 (Feb., 1955); Elmer A. Carter, "Practical Considerations of Anti-Discrimination Legislation-Experience under the New York Law against Discrimination," *Cornell Law Quarterly*, Vol. 40, pp. 40-59 (Fall, 1954); Note, "Segregation in Recreation," *Nebraska Law Review*, Vol. 34, pp. 553-63 (March, 1955); Patrick J. Foley, "Class Discrimination in Selection of Jurors," *Catholic University of America Law Review*, Vol. 5, pp. 157-72 (May, 1955).

<sup>124</sup> *Castle v. Hayes Freight Lines, Inc.*, 348 U.S. 61 (1954).



that the states are free to use more conventional forms of punishment, and that the ICC can protect the state's interest on its own initiative or on complaint of the state by enforcing its own regulation which requires motor carriers to observe valid state highway regulations.

#### 4. INTERGOVERNMENTAL RELATIONS

*Federal Supremacy.* An interesting federal supremacy question was before the Court in *Weber v. Anheuser-Busch*.<sup>125</sup> The International Association of Machinists (IAM) insisted that there be a provision in its collective bargaining agreement with Anheuser-Busch that when the repair or replacement of machinery was necessary, this would be given only to contractors having collective agreements with IAM. Since the Carpenters Union claimed the work for its members, IAM finally went out on strike to get this clause in the 1952 contract. On the day after the strike was called, Anheuser-Busch filed a charge of an unfair labor practice under a section of the Taft-Hartley Act against IAM. On November 18, 1952, the National Labor Relations Board held that there was no "dispute" within the meaning of the invoked section. In the meantime, after it had filed the charge but before the Board acted upon it, Anheuser-Busch sought an injunction in a state court on the ground that the strike was a secondary boycott under Missouri common law, and later on the ground that IAM's conduct was an illegal conspiracy under state law. The state court granted a permanent injunction. The Missouri Supreme Court held that the Labor Board's ruling was merely a determination that there was no basis for a charge of an unfair labor practice under Taft-Hartley, and that IAM's conduct violated the state's restraint of trade statute.

By unanimous vote the Supreme Court reversed, holding that the state court's jurisdiction was pre-empted by the authority vested in the Labor Board. A state may not prohibit the exercise of rights which federal statutes protect. Thus, Justice Frankfurter pointed out that the Board's machinery for dealing with certification problems also carries implications of exclusiveness. For example, a state may not certify a union as the collective bargaining agent for employees where the federal Board, if called upon, would use its own certification procedure. The Board found that there had been no violation of the particular subsection of the Act, as alleged; whether other subsections of the Act were violated is for the Board, and not the state courts, to decide. Furthermore, "controlling and therefore superseding federal power cannot be curtailed by the State even though the ground of intervention be different than that on which federal supremacy has been exercised." Regarding the conduct in question, it was ruled, Congress sufficiently expressed its purpose to bring it within federal supervision, and thus state action is prohibited. If the labor practices complained of are within the scope of the federal statute, and are found not to be prohibited by it, then they are within the protection of the Act, and the state

<sup>125</sup> 348 U.S. 468 (1955). See William W. Schwarzer, "Enforcing Federal Supremacy: Relief against Federal-State Regulatory Conflicts" *California Law Review*, Vol. 43, pp. 234-60 (May, 1955).

court must decline jurisdiction in deference to the tribunal selected by Congress to determine such issues.

In another case,<sup>126</sup> the Court held that an action under the Jones Act does not fail because of noncompliance with a state statute governing the distribution of decedent estates which required filing of a notice of claim within eight months, because Congress decreed a three-year statute of limitations to operate uniformly throughout the nation. No state law can diminish this period.

Finally, in a group of three cases the Court upheld federal tax claims as having priority over competing local claims. In the first, a United States tax lien was held prior in right to an attachment lien obtained in an action for wrongful death, where the federal lien arose and was recorded before the date the attaching creditor obtained judgment, though after the date of the attachment lien.<sup>127</sup> The Court ruled that it was immaterial that under state law the attachment is designated as "an execution in advance" which is perfected at the time of the attachment. The relative priority of the United States tax lien is always a federal question to be determined finally by the federal courts, and the state's characterization of its liens, while good for all state purposes, does not necessarily bind the Supreme Court. It held that the state attachment lien is for federal tax purposes an inchoate lien because at the time the attachment was issued the fact and amount of the lien depended upon the outcome of a lawsuit for damages.

In the second case, a United States tax lien was held prior in right over a garnishment lien obtained by a creditor of the taxpayer in an action on an open account, where the tax lien arose and was filed prior to the date the garnisher obtained judgment against the taxpayer, though after the date of the garnishment lien.<sup>128</sup> In the third case, a United States tax lien was held prior in right over a landlord's distress lien where the tax lien was prior in time.<sup>129</sup> The Court ruled that the question as to when the distress lien was perfected is a matter of federal law.

*Intergovernmental Taxation.* It is established by Supreme Court holdings that a state may impose a tax upon the stockholder's interest in a corporation, measured by corporate asset values, without making any deduction on account of United States securities held by the corporation, on the theory that the stockholder's interest in a corporation represents a property interest separate from the corporation's ownership of its assets.<sup>130</sup> A variation of this situation was before the Court in *Society for Savings v. Bowers*.<sup>131</sup> Here Ohio assessed its prop-

<sup>126</sup> *Cox v. Roth*, 348 U.S. 207 (1955).

<sup>127</sup> *United States v. Acri*, 348 U.S. 211 (1955). See Arthur S. Keyser, "Federal Tax Liens under the Federal Tax and Priority Statutes," *George Washington Law Review*, Vol. 22, pp. 583-91 (April, 1954).

<sup>128</sup> *United States v. Liverpool & London & Globe Insurance Co.*, 348 U.S. 215 (1955).

<sup>129</sup> *United States v. Scovil*, 348 U.S. 218 (1955).

<sup>130</sup> See *Des Moines National Bank v. Fairweather*, 263 U.S. 103 (1923).

<sup>131</sup> 349 U.S. 143 (1955). On problems of American federalism see William Anderson, *The Nation and the States, Rivals or Partners?* (Minneapolis, 1955); *Federalism, Mature and Emergent*, ed. Arthur W. Macmahon (Garden City, N.Y., 1955).

erty tax upon two mutual savings banks having no capital stock or shareholders. The banks were required to include United States bonds in the property values upon which the tax was computed. No claim was made that this was a franchise or some other kind of privilege tax. The Supreme Court of Ohio upheld the tax because, in its opinion, it was not levied upon the banks. It ruled that the depositors of a mutual savings bank have an interest similar to that of shareholders in other banks, and that therefore the tax was on the "intangible property interests" of the depositors as the owners of each bank. The banks' capital, surplus fund, and undivided profits were not themselves regarded as the subject matter of the tax, but as simply the measure of the tax against the depositors. In short, the banks were treated as tax-collecting agents rather than as taxpayers. The Supreme Court reversed in a unanimous decision announced by Justice Harlan. He observed that since a federal right was involved, the Court was not bound by the Ohio court's holding that this tax was imposed on the depositors. Reviewing the facts of the situation, he concluded that the tax was actually on the banks. No language in the statute expressly imposes this tax on the depositors. The ownership interests of the depositors in these banks are quite different from those of stockholders. Justice Harlan also pointed out that if the bank is unable to pay the tax, there is no provision entitling Ohio to collect it from the depositors. He concluded that "a tax against the depositors which is recoverable only from the bank looks like a tax against the bank."

*Full Faith and Credit.* Several constitutional issues, including full faith and credit, were presented in *Watson v. Employers Liability Assurance Corp.*,<sup>12</sup> which involved a rather complicated set of facts. Watson sued the company, a British corporation, in a Louisiana court under a state law authorizing direct actions against insurance companies. He alleged injury from use in Louisiana of a hair-waving product manufactured by an Illinois corporation which was a subsidiary of a Delaware corporation having its headquarters in Massachusetts. The insurance policy was negotiated and issued in Massachusetts and delivered there and in Illinois. This contract contains a clause, recognized as binding and enforceable under Massachusetts and Illinois law, which prohibits direct actions against the insurance company until *after* final determination of the manufacturing company's obligation to pay personal injury damages either by judgment or agreement. Contrary to the "no action" clause in the contract, the Louisiana statute permits injured persons to sue the insurance company *before* such final determination, and even though, as here, the insurance contract is made in another state and contains a clause forbidding such direct actions. Another Louisiana statute, with which the insurance company complied, requires foreign insurance companies to consent to such direct suits in order to get a certificate to do business in the state.

<sup>12</sup> 348 U.S. 66 (1954). See James D. Sumner, Jr., "Full Faith and Credit for Judicial Proceedings," *U.C.L.A. Law Review*, Vol. 2, pp. 441-99 (June, 1955); "The Full-Faith-and-Credit Clause—Its History and Purpose," *Oregon Law Review*, Vol. 34, pp. 224-49 (June, 1955).

The principal issue was whether the federal Constitution permits Louisiana to apply its own law, or whether it compels Louisiana to apply the law of Massachusetts or Illinois. The Court unanimously held the Louisiana statute constitutional. Equal Protection and Contract Clause objections were brushed aside. As for due process, Justice Black pointed out that because of the modern practice of conducting widespread business activities throughout the country, the Court has held in many cases that more states than one may seize hold of local activities which are part of multi-state activities, and may regulate to protect the interests of local people, even though other phases of the same transactions might justify regulatory legislation in other states. He noted that Louisiana's direct action statute was not "a mere intermeddling" in affairs of no concern to her. Persons killed or injured in the state are most likely to be Louisiana residents; injuries might require treatment in Louisiana homes or hospitals by Louisiana doctors; destitution may lead to public assistance. Furthermore, Louisiana courts are in most instances the most convenient forum for these cases.

Finally, Justice Black could find here no violation of the Full Faith and Credit Clause. This clause "does not automatically compel a state to subordinate its own contract laws to the laws of another state in which a contract happens to have been formally executed. Where, as here, a contract affects the people of several states, each may have interests that leave it free to enforce its own contract policies." Here there are vital interests of Louisiana in liability insurance that covers injuries to people in Louisiana. Of course, Massachusetts also has some interests in this policy, said Justice Black, but they do not outweigh the interests of Louisiana in taking care of persons injured in Louisiana. Therefore, the Full Faith and Credit Clause does not require Louisiana to subordinate its direct action policy to the contract law of Massachusetts.

The other case of the 1954 Term which presented a full faith and credit issue was *Carroll v. Lanza*,<sup>133</sup> decided by a 6-3 vote. Carroll was an employee of Hogan, a subcontractor doing work for Lanza, the prime contractor. Both Carroll and Hogan were residents of Missouri, and the former's employment contract with the latter was made in Missouri. However, Carroll was injured while working in Arkansas. Unaware that he had remedies under Arkansas law, Carroll received 34 weekly payments for the injury under the Missouri compensation act, which is applicable to injuries inside or outside the state if the employment contract is made in the state, and which also provides that every employer and employee shall be "conclusively presumed to have elected to accept" its provisions unless prior to the accident he shall have filed with the compensation commission a written notice electing to reject the compensation provision. No such notice had been filed in this instance. Arkansas' workman's compensation law provides the exclusive remedy of the employee against the employer, but not against a third party. Since under Arkansas law Lanza, the prime contractor, was a third party, Carroll sued him for common-law damages

<sup>133</sup> 349 U.S. 408 (1955).

in an Arkansas court while receiving payments under the Missouri law. Lanza removed to the federal district court, where judgment was rendered for Carroll, but the court of appeals reversed on the basis of the Full Faith and Credit Clause, even though it agreed that the judgment was good as a matter of Arkansas law. The Supreme Court reversed.

The case of *Magnolia Petroleum Co. v. Hunt*<sup>134</sup> which the court of appeals thought was controlling, was distinguished on the ground that there the employee received a final award for compensation in the forum of the injury, whereas Carroll had no final award under the Missouri act. In fact, under this act payments started automatically, without any adjudication. Speaking for the Court, Justice Douglas held that *Pacific Employers Insurance Co. v. Industrial Accident Commission*<sup>135</sup> was controlling. In this case a resident of Massachusetts regularly employed in Massachusetts by a Massachusetts corporation was injured while doing temporary work in California. Although the Massachusetts act purported to give an exclusive remedy, even for injuries incurred beyond its borders, California also had a compensation act which fixed liability on employers without regard to any contract, rule, or regulation, and which California courts enforced strictly. The Supreme Court held that the exclusive nature of the Massachusetts act was "obnoxious" to the California policy.

The Court has often held, said Justice Douglas, "that the Full Faith and Credit Clause does not require a State to substitute for its own statute, applicable to persons and events within it, the statute of another State reflecting a conflicting and opposed policy." In these personal injury cases, he declared, the state where the injury occurs need not be a "rascal" to the home state, and permit only the remedy which the home state regards as the exclusive one, for "the state of the forum also has interests to serve and to protect." The interests of Arkansas in this situation were described as "large and considerable," since the state wherein the tort occurs is concerned with problems which follow an injury, such as medical care and possible dependents.

<sup>134</sup> 320 U.S. 430 (1943).

<sup>135</sup> 306 U.S. 493 (1939).

## CULTURAL PREREQUISITES TO A SUCCESSFULLY FUNCTIONING DEMOCRACY: A SYMPOSIUM

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### PREFACE

The problem of sustaining and strengthening democratic institutions is of the first magnitude. The stakes are high.

"Democracy," whatever else may be included, implies free discussion and popular election of governors, with alternative choices available. Presumably the governors will include a representative element, normally in the form of a legislative or policy-adopting body.

The term "cultural prerequisites" is less easily defined. The sociologists have an approach that sheds light upon that for which we are searching. They speak of the *mores*, those modes of thought as well as behavior by which men live and institutions are sustained. The *mores* are those elements of a culture which are regarded as essential for survival of the society itself. As regards democracy, our question is basically, "What is its cultural and psychological underpinning?" What cultural attitudes or *mores* will sustain democracy? In part they must do this by assuring its success in satisfying the psychological necessities of its citizens, in part by giving it and its institutions an emotional content which will make its survival a fighting matter for those who love it. Probing still more deeply, or moving, if you will, into another dimension, what will produce and sustain these attitudes? Is there, by chance, a central matrix of which they are derivatives?

Conversely, can the necessity of these attitudes be demonstrated by proving the probability of failure if they are absent?

Only as attitudes prevail that are relevant to or buttress a successful democracy will the latter really be safe. Loyalties felt only to an age that is past lack the necessary context of passion and devotion to sustain a contemporary pattern. The present becomes a parasite on the past, unable to sustain itself through deeply felt relevance to existing demands. Conversely, though the *mores* be deeply felt, if the institutions they sustain are not themselves adequate for today's problems and crises, those institutions are eventually doomed.

In this symposium, we have chosen to exclude any detailed discussion of political institutions as such, in part because these have so frequently been the subject of scholars' concern. We are united in asserting the importance and relevance to democracy and its flourishing survival of such institutions as the single-member constituency, constitutional responsibility, local self-government, the two-party system, a career civil service. Yet are not these more in the nature of by-products or derivatives of the attitudes which we regard as cultural prerequisites than themselves basic? They may in turn influence or condition individuals in such a fashion as to aid in producing deeply felt attitudes—but they are not themselves the attitudes. Government does not develop in a

legal vacuum, unpenetrated by unfolding forces from other segments of a culture. In turn, the governmental institutions are no will-o'-the-wisps blown about without resistance by the gusts of a determinism, economic or otherwise. Governmental institutions are, of course, stimulus as well as response; positive conditioning factors as well as a product of conditioning. This dualism, this action and reaction must be borne in mind at all times, though it is not our immediate concern.

We are not over much concerned with an intellectual or rational demonstration of the advantages of democracy over alternative forms of governance. We believe such a demonstration is possible; we do not believe it is adequate in and of itself to sustain democratic institutions. Under given circumstances belief in the advantages of democracy can and has been undermined and even overthrown by a seeming demonstration to the contrary—and this demonstration has as often stemmed from the communist left as the fascist right. Even though a substantial majority of a people may give theoretical assent to the superior virtues of constitutional, democratic government, yet a passionate, dedicated, and organized minority can topple and has toppled over the enfeebled will of such a majority—and has used its consequent power to consolidate its position. Belief in democratic institutions may well be a cultural prerequisite to their survival; but such a belief must take the form of a fixating and deep conviction, which itself may well be a product of attitudes still more basic.

That there be no misunderstanding, it will not be enough for any of us to say that education is an answer. We are still left with the question: "What education?" In other words, what attitudes would we create, identify, intensify, transmit, motivate, make instruments of demonstrated satisfaction, in the educational process itself?

We shall delimit our problem by confining our attention to democracy in the large, modern, industrialized state.

We concede that democracy is more likely to survive, other things being equal, in small states. Such states are more manageable, in that the results of specific political action are more readily identifiable. Advantages and disadvantages are more clearly demonstrable. And there are other favorable circumstances which need not detain us here.

An agrarian state of small landowners is likely to present fewer difficulties. This combines the advantages of diffusion of property with economic homogeneity.

A state unthreatened by external enemies probably finds it relatively easy to develop and sustain democratic institutions, even though the latter may command a loyalty of relatively low temperature.

A state the tempo of whose social change is slow and devoid of stress and strain would seem to pose less of a problem in maintenance of its democratic institutions.

In the foregoing statements we freely concede the presence of a number of variables besetting our problem. While these variables are to a degree independent of the attitudes for which we are searching, they do affect measurably

the necessity or otherwise of a strong psychological underpinning as regards democratic survival.

This brings us to the nub of our problem—the success or failure of representative government in the large industrialized states. Moreover, success must be in a day of a stepped-up tempo of social change, a tempo which makes no allowance for ease of adjustment. Then, too, success must be attained by these states in a situation in which they are so threatened by external enemies, and often by internal subversion as well, that the temptation is constantly present to sacrifice democratic values in order to further national survival. Our problem really focusses on France, West Germany, Great Britain, Italy, Japan, and the United States.

There are many points of view as to the necessary cultural prerequisites in this setting. Three are developed in the sections that follow.—E. S. G.

### A

Knowledge by itself is not enough in the area of human behavior to assure conduct either right or wise. An appropriate motivation must be added to knowledge, and such motivation to prove lasting is best sustained by the kind of dynamic which religion and patriotism have at times illustrated. The field of political behavior is no exception. Motivation must be added to rationality, a motivation whereby faith and passion may reinforce or even create the attitudes which rationality would dictate.

It is my hypothesis that the Christian and Hebrew faiths constitute a powerful matrix, a common denominator of those attitudes most essential to a flourishing democracy. Moreover, it would appear that it is these faiths, and especially the Christian faith, that perhaps alone can cloak such attitudes with the character of “absolutes”—a character which is not only desirable, but perhaps even necessary to democratic survival.

In developing this hypothesis it will obviously be necessary to use terms and concepts which in many circles will in and of themselves evoke a negative response. So frequently have religious terms, symbols, and beliefs come to be associated with anti-intellectualism, that one is in danger of evoking, even when merely observing or analyzing their effect, something akin to that emotional distortion of objectivity of which those who profess these religious beliefs are themselves accused. I ask therefore no more—and no less—than that any whose predisposition is to react unfavorably to such an approach will consciously strive to retain that sense of objectivity which is the goal of all of us.

I suggest at the outset an examination of a cluster of basic attitudes or *mores* which, to the degree that they have been present, are apparently closely associated with democratic success. Each of these will be considered in turn. It will be my objective not merely to indicate the relevance of these attitudes in the matter of the survival and flourishing of democratic institutions (which for the most part would be agreed upon), but also to probe still more deeply to discover whether the hypothesis of religious belief as a common denominator, an ultimate sustainer, of these attitudes is the correct one. It will be my further



contention that in a pragmatic sense it is in the strength of such faiths that the most serious dilemma facing contemporary free society may best be resolved. This is the dilemma between individualism and civic or social obligation.

Obviously the extent to which, and the degree of intensity with which, any or all of these various attitudes must be held are discussible. So also is the degree to which the faiths in question are practiced as well as held. Not all of these attitudes, all of the time must be generally accepted as *mores*; but for reasons that will appear later, I believe that they must be sufficiently widespread to be accepted as *norms* of desirable conduct, so that deviations therefrom are subject to questioning and usually social disapproval. A reasonable conformance thereto must be expected of public servants and leadership generally. Hypocrisy there will most certainly be, but the fact that persons who wish acceptance as leaders usually regard it as necessary at least to pretend to hold and practice these attitudes, would itself be evidence that they at least approach the status of *mores*. No government or society built primarily on hypocrisy can today survive widespread disillusionment arising from exposure of the gulf between its actual and its ideal—unless the latter has a substantial or prevailing core of acceptance among its citizenry on which a constructive rebound from disillusionment can build. Cynicism is the basis for decay of a society. It is at least worth mentioning at this point that a practicing Christian cannot be cynical.

In preliminary fashion, one may note how the absence of certain attitudes contributed to the collapse of the more fragile democracies. Surely lack of respect for the individual was a factor in the collapse of democratic institutions in Germany, Italy, and Japan, and in their failure to take root in Russia. Lack of integrity and dedication to the public interest cost the Kuomintang of China its existence. Lack of a strong sense of the basic unity necessary for an integrated political economy characterized Pre-Hitler Germany and casts serious doubt upon the viability of the democratic constitution of contemporary France—though the latter's love of freedom is more deeply rooted than Germany's. The *mores* of Japan included a sense of civic obligation but without respect for the individual; those of France involved individualism without the necessary concomitant of civic loyalty.

One must further accept the fact that there will often be a cultural lag in the governmental institutions. If and when France becomes essentially civic and socially minded, it is still highly probable that her present constitution will exaggerate or even be primarily an expression of the remnants of that egocentric individualism which has been her curse. On the other hand, both the British and the American constitutions, especially if their usages and customs are included, are reasonably well in harmony with—and may in fact be regarded as expressions of—many of the *mores* mentioned. Relatively few changes, and these of not too great importance, would appear to be required to adapt them to the imperatives of contemporary governance.

## I

Let us now consider affirmatively each attitude of the series I propose as prerequisites. In doing this we may bear in mind that Montesquieu built much

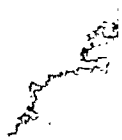
of his political theory upon the necessity for attitudes appropriate to the various forms of government so as to ensure their workability. "There is this difference between the nature and principle of government; its nature is that by which it is constituted, and its principle that by which it is made to act. One is its particular structure, and the other the human passions which set it in motion." Honor for monarchy; virtue (the love of laws and of country) for democracy—these were prerequisite to success. I differ with Montesquieu, not with respect to the validity of his insight as to the nature of the problem, but with respect to the adequacy of his answer in the more complex setting of the present time.

It is not accidental that I give first place to the value placed upon individual personality, or rather the view of the nature of the individual as being end and not means. The heart of freedom as a hallmark of democracy consists in a formal or informal constitutional allocation to the individual of certain areas of action which no government (or for that matter, no social institution, including business and labor organizations) may touch. Montesquieu's age called these areas "natural rights"—freedom of speech, freedom of worship, freedom from arbitrary or lawless acts. Jefferson spoke of the inalienable rights of "life, liberty, and the pursuit of happiness," and gave them a theological grounding.

The deepening insights of recent years have added to or expanded this area of rights, to give them an affirmative content. We speak of the right to work (that is, to contribute something useful to society); the right of children to educational or other opportunities; the right of each one to be treated with dignity as befits a free person—without reference to sex or creed or race or class. In other words, this view of the nature of individual personality leads straight to true equality of opportunity and treatment as well as to liberty.

I do not claim that only among those who profess and practice the Christian and Jewish faiths is such a value placed upon individual personality. I do call attention to the valiant witness of many thousands of churchmen against Hitler and his ilk, and against communism. I do point out that it is the church that is in the vanguard of contemporary responsible Southern leadership in working out a constructive program of racial integration in the schools. "Thus saith the Lord" resounds from a thousand pulpits against violations of the intrinsic dignity of man. It is an "absolute" in the creeds and doctrines of these faiths that men everywhere can find this dignity best in a society of the free—a society in which men are able to think and act spontaneously and responsibly. More and more the spiritual leaders are urging that practice conform to doctrine. As political scientists, we may at least observe the effect on attitude of regarding a man—any man—as a child of God. It provides a norm by which political and economic conduct is to be judged. There are things, if you will, which one who regards himself as a child of God just does not do to another child of God. One does not exploit him, for example; nor does one terrorize or cheat or deceive him; nor irrationally and arbitrarily coerce him. Conversely and affirmatively it leads straight to a conviction of the importance of justice for the individual. It also defines justice by providing norms.

It may not be enough to think of liberty or freedom merely as useful culture



traits, to be adopted or discarded according to whether or not what appears to be a still more useful trait—security or national survival, for example—is advanced as preferable but incompatible. For democracy to survive in the large, complex, insecure industrialized state, it may well be essential that its participants shall love liberty—for others as well as for themselves—with a passion that finds it more precious than life. I raise the question as to whether anything less than a theological base is adequate upon which to build a society of the free.

In the second place, a democracy withers away if its people lose interest in its institutions and their constructive use for the general welfare. This is a much wider matter than merely voting or not voting, though this latter is certainly a relevant barometer. Its importance extends to every form of responsible citizen participation in community life: to business and industry, social work, religious activity, as well as to formal government. In government it also means alertness, and the communication of alertness, between elections. Willingness to accept or even to seek office must be sufficiently widespread among the civic minded to assure a measure of disinterested service. Careers in public administration must have attached to them a prestige and an appeal equal to those of other professions.

If such wide participation is lacking, or (if present) is largely self-centered, then greed, graft, negativism, materialism, sensualism will quickly erode the quality of civic life. A nation will become a nation of cynics. A neutralism in a far wider sense than the so-called appeasement of the present time will set in, whenever the maintenance of moral values in international affairs involves sacrifices. Even more serious will be the gradual insidious spread of that death rattle of a society known as "anomie," the state of mind of a person who feels he has no stake in his state or community—who no longer, if indeed he ever did, warms to the appeal of patriotism. So buffeted has such a man been by society, so in vain has he looked to leadership for recognition, so preoccupied has he been with the mere struggle for existence, that the ties of obligation to, or even of companionship with, his fellows scarcely exist. Millions and millions in this day and age exhibit this tragic phenomenon.

I am speaking here of the need for responsible participation. By this I mean an affirmative attitude toward society, an attitude that places obligations at least on a par with rights; that in blunt and governmental terms expects to pay taxes in return for services; that in larger terms accepts and welcomes the opportunity to expend effort in behalf of the general welfare or the good of all.

Here lies a possible danger in the so-called "welfare state," even when created under the rituals of democracy, unless in some way it is buttressed by responsible citizenship. It was the late Ortega y Gasset in his brilliant work, *The Revolt of the Masses*, who first dramatized this danger. Europe of the twentieth century he saw as the product of giving the masses the voting franchise, without their first having a corresponding sense of responsibility. In such a setting, power goes to him who promises most and exacts least. That there is another and brighter side to this picture surely owes much to whatever forces there have been and be that make for self-reliance as a basis for social responsibility. The high degree of success of the cooperative movement illustrates the principle

involved. So also do many of the striking achievements arising out of the intimacy of local self-government.

But are these and others akin to them enough? Framed in another fashion, is, for example, the widespread pluralism of our society enough to assure responsible participation through the educational value of the satisfying experiences, including the social prestige, the actual accomplishments and the consequent sense of significance, the pleasures of cooperative effort and association, which this pluralism engenders? I freely and happily concede the strength of these experiences. I believe they are growing. I also believe that their growth is at least in part undergirded or motivated by that sense of the imperious responsibility of the individual for his own conduct which we call conscience. Among the attributes of such conduct, none looms larger in religious teachings than social responsibility, the governmental facet of which is participation looking toward the general welfare.

It is at this point, for want of a better, that note should be taken of the educational implications of this attitude. Toward childhood there are special obligations, and among these obligations is the development of a civic mindedness. I see the end product, the development of the child into an adult able to stand on his own feet, and himself ready to participate responsibly in building the good society.

Given men with an outlook of this sort, inspired by inner conviction, reinforced daily by a search for the will of God for themselves as individuals, one need not fear government or statism. With open eyes we shall use government when it seems right so to do; we shall refuse to use it when the impairment of individual responsibility outweighs any seemingly greater opportunity for flourishing of personality, or where what men want exceeds that for which they are ready to pay or sacrifice. I recognize that this is a formula, a generality, which may seem to some to have little concrete guidance to offer in the day-to-day issues of government. Yet I am saying that I have complete faith in the democratic process, if and when the conflict of issues is between those who believe it is God's will to use the state as a positive instrument for the betterment of society, and those who fear that such use will undermine the individual's responsibility before God to accept his share and more than his share of the world's work.

The reconciliation of these often incompatible objectives has been a preoccupation of the political theorist since the days of the Greeks. The religious faith of the Western world has potentialities in this reconciliation, for in this faith the individual is end and not means—but an end which includes responsible participating citizenship as not the least of its attributes. Without this faith or its equivalent (and where is this "equivalent" to be found?), I fear many things: the self-centered use of political power, indifference to political action, a footloose, aimless society, reluctance to accept civic responsibility. What are these but cancers eating away at the vitals of our Western world, archenemies of the democracy which we hold as a common and would-be fighting faith.

There is a third motive or principle necessary to sustain democracy. All

definitions of democracy have at least this in common: they agree that discussion preceding decision (and, for that matter, free and critical discussion following a decision) is one of its major attributes. If such a discussion is to be full and free, if ideas are to win their way in the market place of reason, then characteristic institutions such as a free press, free communications, open sessions of parliaments and chambers and congresses, judicial processes allowing a man his "day in court" are corollaries. New institutions may be needed, better devised to bring technical competence to bear upon decisions or better able to clarify issues. But these are not primary.

What is the primary need is a certain assumption of integrity, the assumption that when a man advances an idea or makes a statement which he expects will influence the decisions of others concerning a governmental problem, he is telling the truth. There may well be "another side" to a question, but as far as it goes his statement is not a lie. And if in the market place of ideas, it turns out not to stand up under criticism, because of either superficiality or error, he must not expect the attention in the future he received in the past. In the long run we live governmentally by ideas grounded in experience arising from experiment. In this setting men advocate or oppose the various measures lying within the discussible sphere of state action. This is the governmental, the democratic counterpart of the scientific method; the extension into the field of politics of the laboratory method, the objectivity of the pure scientist. Party line, the Communist substitute for truth, is unthinkable.

What shall be the sanctions of integrity; what its motivating force? Shall we rely wholly or even primarily upon "the market place of ideas," when a primary objective of naked power has always been to control the avenues of communication? The ultimate sanctions are internal; the drive toward honor is of the spirit. Here again the voice of authority speaks, "Let your Yea be Yea, and your Nay, Nay." Jesus by spirit and example unmasked hypocrisy and deceit. He ever sought in simplicity, clarity, and guilelessness to isolate the heart of the matter in each and every issue of life. There are problems in today's government, economy, and society incomparably more complex than any in Christ's day. The facts that must be brought to bear upon the solution of these problems are sometimes so vast as to stagger the imagination. This very situation offers a greater and greater temptation to indulge in propaganda or, worse, to use specious arguments, to appeal to emotion and not to reason. The democratic process of discussion seems at times to falter or fail. One must not underestimate the force of the example and command of Jesus to His myriad followers today, as among the forces making for that substantial and necessary increment of integrity in discussion which must be added to democratic institutions to make them work.

The fourth prerequisite for a successfully functioning democracy carries one into the economic order.

We all know that the industrial age has brought with it specialization, and that this specialization has divided men into various economic groups—labor, industry, finance, the professions, agriculture, and others—and that these

great groups are subdivided, sometimes sharply so, into all sorts of sub-groups: coal miners, bankers, physicians, dairy farmers, steel manufacturers, and literally thousands of others. These form the warp and woof of our economic life. We appreciate the extent to which they likewise characterize and at times dominate our political life as well. Each of these groups more or less lives in its own limited world; its members experience the same frustrations, enjoy the same advantages, and thus have come to a considerable extent to share the same political point of view, which in turn diverges to a greater or less extent from that held by other groups. In the United States these divergent points of view of this multitude of economic groups are the greatest single phenomenon in what we call politics and public opinion. Their group insistences furnish much, perhaps most, of the agenda of government. For these groups have long since learned that government intervention can be one of the most powerful tools in improving their economic status, or in bringing success to one side or the other in the economic struggle. Hence pressures for laws to promote their special interests. In fact, a cynic once defined politics as "the battle of interests masquerading as principles."

Still closer examination reveals that much of the consequent legislation of the present day consists of two parts: the declaration of an objective in behalf of a particular group or groups, and the creation of an agency in the bureaucracy to carry out this objective. The means chosen call for continuous intervention in the economic order on the part of the agency, so as to safeguard or advance the status of the economic groups whose political pressures brought the agency into existence, and which are now its clientele.

Neither in the economic nor in the political activity of these groups is there any inherent identity between group interests and national welfare. There is much that does so coincide, but it is largely unintended. Moreover, there is constant conflict between the aims of two or more groups, and it is not unusual for a government actually to pursue contradictory policies simultaneously as the result of rival pressures. To such a society of conflicting groups we apply the term "dispersive" and a government of which this is the predominant characteristic we call the "dispersive" state.

This state of affairs presents a very serious threat to the public interest. In their extreme form these group pressures may almost literally tear to pieces the body politic and economic. During the decade of the 30's, and earlier in some nations, they represented a basic political obstacle to effective dealing with the economic depression. Even today, they present a formidable hazard to fiscal solvency and national security. While in time of war appeals to patriotism are usually enough to induce groups to sink the extremes of their self-interest, in time of peace civic and social loyalties falter and rationalizations of selfishness take their place. The dictatorships of Hitler and Mussolini were in part the irrational responses to situations of this type.

There is a striking statement of St. Paul which is relevant at this point: "For the body is not one member, but many. If the foot shall say: Because I am not the hand, I am not of the body; is it therefore not of the body? And if the

ear shall say, because I am not the eye, I am not of the body; is it therefore not of the body? If the whole body were an eye, where were the hearing? If the whole were hearing, where were the smelling? . . . But now are they many members, yet but one body. And the eye cannot say unto the hand, I have no need of you. . . . And whether one member suffer, all the members suffer with it; or one member be honored, all the members rejoice with it.'

The analogy goes to the heart of the problem. Each group performs a specialized function; society as a whole receives the benefit. Essentially this is the Christian insight which gives meaning to daily work. Whether the organizing mechanism of such an economy is found in the institutions of capitalism (which personally I prefer on practical grounds), the cooperative commonwealth, or socialism, or a mixture of all three is a question of expediency, and is largely irrelevant to the central problem. This problem, I repeat, is the discovery of an altruistic motivation so powerful, that the various economic groups will make the necessary sacrifices to dedicate themselves to the common good—and *do this freely*. Dictatorships, despairing of this ever being freely done, control the media of communication, and impose their solutions. A democracy whose economic groups and peoples have freedom but lack altruism is weak at its very heart and may well be doomed.

Adam Smith and the group utilitarianism which is his contemporary adaptation present economic fallacies and political hazards. In all history only patriotism and religion among the passions of men have ever been powerful enough on a scale large enough to weld an economic order into a unified, cooperative, viable whole. The greater the crisis, the more nearly patriotism by itself has revealed fascist tendencies. I freely grant that motive, however pure, is not enough; and that a disciplined knowledge of the economic order must accompany even an altruistically proposed solution. Yet if freedom is to be an element in that solution, team play must by definition be voluntary—and hence a matter of motive. We know enough now to know the limitations of an exclusive reliance upon price and the free play of the market as regulators. Far too large a portion of the economy is privately as well as publicly 'administered' to allow this. The layman's supreme expression of his religion may well be vocational, and such expression should be an effective aid to a service-oriented economy.

In the fifth place, the office holder, be he elected or appointed, occupies a key place in contemporary society. Leadership seems destined to be more and more concentrated. As life baffles more and more of us, there is an almost inevitable tendency to seek for and to follow the man who gives us the impression of adequacy. Such may be the demagogue whose noises coincide with our own prejudices. Such may also be the elected leader of character who moves surely, strongly, among the manifold problems and pitfalls of a world in disorder. Then, too, the sphere of government is enormously extended. This is true, not only of overt state action, but even more of the far wider sphere in which governmental decisions affect or influence decisions in what is technically the sector of private industry or spontaneous social behavior.

Moreover, the "mysteries" of technology and specialization multiply the opportunities of the office holder unobserved to behave irresponsibly through inertia, self-seeking, and undetected error.

Hunger for power, carelessness, self-seeking, intrigue, corruption—these hold dangers for our democracies, if once they come to characterize our men in public life. In the more simple days—of, shall we say, Restoration England or the period of Boss Tweed or the Grant administration in the United States—betrayals of public trust more crass and despicable in themselves than those of today did not have the far-reaching consequences which today follow a lowering of the tone of public life.

I recognize the secular factors making for civic righteousness, and I would not underrate them. I know the white heat of contemporary publicity that spares no nook or cranny even of the private life of any man who stands (or runs) for high public office. I know the growing professionalization and long, arduous technical training that are strengthening the whole field of public administration. I know the checks and safeguards of audit and accounting. Yet if the spark be lacking, the fire of public service cannot be kindled.

Recruiting, training, and retention of key administrators are serious problems in the United States. This is not a matter of salaries. Rather, the difficulty is to provide adequate alternative motivation in a situation far too often marked by frustration, buffeting, and even persecution. Relationships between administrators and Congress require a drastic and disciplined rethinking. An essential mutual respect is too often lacking. It would much more often be present if the spirit of public service could be assumed to pervade all parties concerned. Here surely is a special and important instance of what we have discussed above, namely, the necessity for free acceptance of an overriding public interest. "He that is greatest among you, let him be the servant of all," is a religious insight; it is also a governmental one.

The intellectual abstractions of pure reason may be adequate for the highly educated few, though even this is open to question. They are not adequate for the overwhelming majority who for a greater or less portion of their lives are moved by passion. Basically, the problem of a democracy is one of the acceptance of attitudes and customs which will channel passion into constructive lines. A social psychologist might state the problem as one of so canalizing man's inborn and acquired drives that personal satisfaction results from their socially desirable expression. Sublimation is frequently involved. Patriotism is one of the ways chosen, but Mussolini and Hitler revealed the distortions which such a channelling of passion could achieve. It must never be lost sight of that patriotism is agnostic as regards the nature of the individual, and in the modern industrialized state is never by itself very far from fascist overtones. There really remains then only a conditioned humanitarianism as an adequate and safe outlet for passion, and only religion has historically been able to evoke this on a sufficiently wide scale to be effective. The record of religion itself is ambivalent on the point. Only when one turns, not to religion's institutional expression, but to its fundamental teachings, does one perceive that in such



concepts as "finding one's life by losing it," or "the abundant life," when these are coupled with a recognition of the infinite value of each human being, are there the necessary guide lines which can canalize passion in the direction of love for others. This, in ways too numerous and obvious to mention, can find remarkable outlet in a pluralistic democracy. In fact, such a democracy is virtually a prerequisite to those attitudes which will generate this constructive passion on any scale widespread enough to be reasonably adequate for an awakening individualism.

A final prerequisite for the present atomic age is an attitude toward humanity that transcends nationalism. It will not have to be argued with the vast majority of readers that the old loyalties of the nineteenth century are inadequate to the mid-twentieth century. The indivisibility of at least the free world is axiomatic, if for no other reason than its sharing of a common menace. It is not beyond the bounds of reason to say that the time may be not too far distant in which the free world and the iron curtain world may both see an uncontrolled science as their common enemy, an enemy so awful as to threaten both alike with destruction. In such a setting a widespread, deeply felt belief in world brotherhood may well be required, especially in the free world. Our greater strength may tempt us to forget our common humanity with the enslaved and deluded millions allegedly our enemies. Moreover, out from the more developed peoples of the free world there must flow to the underdeveloped peoples of other races and continents assistance in their self-emancipation from ignorance, disease, poverty, colonialism, exploitation, race discrimination, terror. Some of this help will continue to be through missionaries. Some will be through industry, capital and labor alike. More and more such aid is apparently destined to be governmental. This I take it is the meaning of the Technical Assistance Program under the United Nations, the Colombo Plan, the Point IV Program.

What then is to be the underlying philosophy of these international relations? Are they to be largely dominated, as in the past, by power politics, by search for economic advantage, by the diplomacy of self-interest? If so, I see no end to the tragic and ever more disastrous cycle of wars interspersed by periods of suspicion and struggle.

These are a few, inadequate suggestions on a theme too vast and complicated to be handled in brief compass. The central hypothesis is clear. It is that on the international front in its major relationships an inexorable series of events is forcing the necessity of widespread acceptance of *inter-national* obligations, which require a sense, a feeling, a conviction of a common humanity pervading the leadership and followership of the stronger nations especially. The broad horizons of Isaiah, the supra-national teachings of Jesus, the belief that we are all "children of a common Father"—by attitudes such as these are men convinced and inspired.

## II

Let us summarize the course of argument thus far before considering certain probable rejoinders.

We have too often been content to treat the forms of government as being the heart of government. We have not looked to the substance. When we do look to the substance we find that the motives of men hold the key. I take it that the overwhelming majority of the readers subscribe to the democratic way. Do we see the price to be paid for its survival, over and above military strength or economic health? I submit the following as the necessary attitudes to sustain democratic institutions:

1. Love for and belief in freedom: best based upon belief in the sacredness of the individual as a child of God.

2. Active and constructive participation in community life: best based upon the obligation of the Christian, the Jew, and other believers to accept responsibilities, cooperating with and working for their brother men.

3. Integrity in discussion: best based upon the inner light of truth being primary in a world God meant to be righteous.

4. The freely assumed obligation of economic groups to serve society; best based upon the Christian insight into the nature of society as set forth, for example, by the parable of the body and its members.

5. Leadership and office holding regarded as public trusts: best based upon or inspired by the example and teachings of religious prophets, such as Jesus, who accepted such a service "to the death."

6. Attitudes assuring that passion will be channeled into constructive ends: best based upon religious faiths that unite an obligation to love and serve with a recognition of the primacy of individual personality.

7. Friendliness and cooperation among nations: best based upon the vision of world brotherhood derived from a faith that we are all children of a common Heavenly Father.

I freely grant that many of these attitudes would be helpful also to non-democratic forms of government, especially the fifth. I seriously doubt, however, that at least the basis of any of them could have anything but the most precarious existence except in a democracy.

The basic difference among the participants in this symposium is not so much as to the prerequisites in attitudes for democratic survival and flourishing, as it is with regard to the means by which such attitudes may be attained. As to the attitudes themselves, there are, of course, some differences, mostly in emphasis rather than in selection. The means to be employed constitute the core of the inquiry; they are the basic factors in disagreement. Consequently a few words are in order concerning critiques of the religious approach.

In the first place, does education constitute an alternative? This is the implicit assumption of the positivist, although the latter denies the validity of values except that of knowledge itself. In such a vacuum of values, and even more of the sanctions and motivations thereof, men have used their "emancipation" as an invitation to exploit as much as to serve. Moreover, positivism is essentially descriptive and not normative. The resultant relativism in morality is intrinsically a denial of any contemporary "categorical imperative." This pulls the rug out from under the resisters to totalitarianism. As Thomas Cook

has so well said, it tempts the wise to deny freedom to the foolish<sup>1</sup>—and who is "wise"? Education is a part truth. Fact is a prerequisite to intelligent action; meaning is needed to assure that such action shall be humanistically oriented.

Cook would find such meaning and motivation in the "essence of man." Northrup would find norms in a philosophic interpretation of the natural sciences. Parnock seeks his in conditions giving rise to a healthy society of healthy personalities, chiefly institutional. Plamenatz urges pragmatic self-interest, but the self-interest of an essentially moral man.

Against such impressive and intellectually appealing counter-proposals I would urge two points. In the first place, I see little likelihood—far less likelihood than in the case of religion—of any or all of them gaining sufficient mass acceptance to prove effective, certainly within the time allowed. The second point is that I regard them, not as alternatives to the religious approach, but as co-partners. If the religious hypothesis is intellectually sound, then each of these becomes an aspect of it, arguing that man, by nature, is "created in the image of God," and hence in "essence" is democratic; that experience will reveal the satisfying nature of the democratic way; that the natural world is a part of the evolving purpose of a "good" God and reveals His nature; that the healthy personality is the one possessed of "inner peace" and the institutions sustaining a healthy society are the natural expression of the kind of religious faith I propose.

Actually Plamenatz offers, not so much an alternative, as his critique of the religious hypothesis. He calls attention to the acceptance by the early Christians of slavery and the absolute power of the Emperor, and rightly says that they were as sincerely Christian as those of today. He also says that they were as *unequally* Christian; but this I question. The centuries have brought their deeper insights, and the frontier of the understanding of the consequences of Christ's teachings has moved steadily onward until it now embraces fields of social action and community life of which the early Christians never dreamed.

Then, too, Plamenatz would distinguish between the theological view of the value of the human soul and the judicial and political expressions of the individualism of the good democrat. He concedes an historical nexus; he questions a logical one. It is at this point that I would make more explicit my concept of derivatives and corollaries. The rights and duties of a free man derive from his nature; they must be expressed (among other areas) in political and judicial institutions. My argument stands or falls on whether my reasoning has established this derivative character of rights and duties. I find no corresponding doctrine of origins in Plamenatz' reasoning.

Perhaps a "sense of justice" may be a broken reed as regards the sustaining of democracy, as Plamenatz suggests; but if it is so, this is by virtue of the absence of an accepted norm, theological or otherwise, which holds democratic values as absolutes. Pragmatic self-interest does not appear to me to be an adequate substitute.

<sup>1</sup> Thomas I. Cook, "The Prospects of Political Science," *Journal of Politics*, Vol. 17, pp. 265-74 (May, 1955).

I find most persuasive Plamentaz' reasoning as to the necessity of public confidence and his acutely drawn distinction between confidence in leaders and confidence in the democratic system—and the priority of the latter. I agree with him that charisma is a dangerous substitute.

Is my religious hypothesis intellectually sound? This is neither the time nor place to argue at length. I only suggest that in the contemporary world, a fair definition of faith is "a willingness to act on probabilities." I myself feel that the Hebrew-Christian faiths come under such a heading. I believe further that there is a not inconsiderable possibility that, especially in the leadership of the democracies and to a considerable extent among the rank and file, at least in the United States and Western Germany, there is a growing commitment to this faith in action.

Of the six nations which we submitted were decisive in the health of democracy, five—the United States, Great Britain, France, Germany, Italy—are Christian or Jewish-Christian in their tradition. The sixth, Japan, is Shinto, and this philosophy sustains some but not all of the prerequisites.<sup>2</sup>

Religion by nature is an absolute. It encompasses passion as well as reason. It undergirds with the "will of God" the attitudes and *mores* we have mentioned. Will anything less suffice as a cultural prerequisite for sustaining a democratic socio-political order? If not, for which religions may we claim adequacy to sustain the democratic way? These are coldly objective questions. Let those who resist the author's line of reasoning and conclusions, at least face the obligation to answer them.

ERNEST S. GRIFFITH.

## B

The cultural conditions of successful democracy in the United States are not the same as in the forest cantons of Switzerland, nor are they what they were in the Athens of Pericles. Though democracy is more than a system of government, it is also a system of government. It is a set of political institutions together with the manners and morals, the ways of thinking and feeling, that go with those institutions. We may set greater store by what goes with the institutions than by the institutions themselves, but the institutions are what we most easily see and what we can most readily describe. It is therefore by reference to them that we define what goes with them. By the cultural prerequisites of democracy we mean the ways of thinking and feeling that go naturally with democratic institutions. This natural association does not mean that, wherever we find the institutions, we find their psychological and moral counterpart, but rather that the two, where they coexist, sustain one another, and that neither is enduring except where it can lean heavily on the other. The connection between them is unlike the connection between mind and body as either theology or science describes it. For theology gives to the mind or soul what is virtually a total independence of the body, making the link between them external and temporary; whereas science so describes the relations between them that it is

<sup>2</sup> Note its shortcomings under 1, 3, and 7 above.

impossible to conceive how either could be what it is except in the most intimate connection with the other. But political institutions can sometimes survive their moral and cultural conditions for some considerable time, and so too can these conditions survive them. In this case, both "body" and "soul" are mortal, and neither is lusty and strong without the other; but they are not always born nor do they die at the same moment, nor even always in quick succession.

The vast democracy of the modern industrial state, whether American, French, or British, is not Athenian democracy; and the cultural conditions of its success are by no means the same. In discussing these conditions there is perhaps no need to discuss the institutions that make possible the vast democracies of today; but there is a need to keep them constantly in mind. And that for two reasons. For, unless we do so, how can we distinguish what makes for successful democracy from what makes for success in other kinds of government? And how can we distinguish belief in democracy and in the ends it serves from the habits of thought and feeling that make democracy work? There are peoples whose passion for freedom and justice is strong and sincere and who are yet not good democrats. They want what democrats want, they condemn what democrats condemn, they hate servility, they respect privacy they desire equality. All that democrats praise is attractive to them. They try to practice democracy, but they find it does not give them what it seemed to promise. They lose faith in it, not because they have ceased to want what democracy promises, but because they have ceased to believe that democracy can provide it. They have the ideals but not the temper and the habits of democrats. It would be foolish to accuse them of servility; they are as suspicious of power and as eager for freedom as anyone. If they are not free, it is not because their desire for freedom is weak but because they fail to work the institutions which alone can give freedom in the large industrial societies of the modern world. It is one thing to desire freedom and to accept the democratic ideal; it is quite another to have the moral preferences and habits that make democratic institutions function properly. It seems to me that, among the nations of European stock, the Latins have as strong a passion for freedom and as deep a respect for personal integrity as the English-speaking peoples; they are as strongly attracted by the ideals that democracy is intended to serve. But they have not, except the French, shown much aptitude for democracy. What people on earth are less servile, more suspicious of power, more jealous of personal independence, than the Spaniards, who have never known genuine democracy?

No doubt, there is something—and that something is important—common to all kinds of democracy, to American democracy and to the democracy of the small city-state. But the differences between them are perhaps greater than the similarities. That is yet another reason for keeping the institutions of modern democracy very much in mind. Administrative problems and administrative methods have a great deal in common in all large modern states, democratic or dictatorial. A modern industrial society cannot function unless all its adult members are literate. The modern state is concerned with its citizens more variously and more constantly than any state before it; it is concerned not only

with their needs but with their minds, with all their reactions to itself. This state, democratic or not, seeks to win the active allegiance of its subjects, to work upon their minds and their feelings. A Roosevelt, a Stalin, and a Hitler have not only similar administrative, economic, and military problems to solve; they have also to use broadly similar devices to serve people's needs and to evoke from them the responses they look for. The methods of government are similar, not so much because the states they govern are large—for Chinese, Indian, Roman, and Russian emperors have ruled states larger or as large—as because their subjects are literate and belong to societies more intricate, mobile, and quickly-changing than any before them. The modernity of the modern state consists largely in this, that, however tyrannical it may in fact be, it cannot govern unless it uses many of the instruments and devices invented or adapted by liberals and democrats for the service of liberty, and unless it invokes at least some of the ideals of democracy. There is a sense in which every modern state is either a genuine or a false democracy. It is so even when its rulers expressly renounce democracy. Hitler and Mussolini did not, like the Bolsheviks, forbid democracy in practice while loudly proclaiming that their system of government was at bottom more democratic than what the West called democracy. On the contrary, they repudiated democracy. Yet they could not rule except behind a façade which often looked like an imitation of democracy; they could not do so in spite of the contempt they openly expressed for democracy. Modern tyranny, in some obvious ways, is more like modern democracy than either is like the systems which, in earlier times, went by the same names.

## I

If we do not bear in mind the institutions of modern democracy, we are in danger, when we discuss its cultural prerequisites, of misapprehending the truth, or at least of falling short of it. Let me give an example. Hardly anyone will disagree with Griffith when he says that "respect for individual personality" is essential to democracy. There are even enemies of democracy who admit it. This respect, they say, is indeed essential to democracy, if democracy is to be genuine and enduring; but democracy, they hasten to add, does not really promote it, and probably cannot do so under modern conditions. For, today, government is impossible except through the exploitation of mass opinion and mass emotion, and this exploitation saps the moral autonomy of the individual. Modern society dwarfs its members, and the few that it exalts, it also debases, making demagogues of them, cynical players of stereotyped and vulgar parts.

We need not agree with these critics. The management of men has seldom been a scrupulous or clean business, either in small and simple societies or in vast and complex ones. The stench of corrupt monarchy or aristocracy is quite as nasty as the stench of corrupt democracy. Nor is it true that large societies are more apt to be oppressive and vulgar and inhibiting than small ones. At least we have no evidence that it must be so. But, though we need not agree with these critics who say that the very size of modern democracy defeats its

purpose, we must press the question further: what is this "respect for individual personality" essential to modern democracy? Is it the old Greek respect for vitality and self-assertiveness, for the man who can play a fine part in the world, who can attract the admiration of his fellows? Is it the Christian sense that every soul is infinitely valuable in the eyes of God? Both the Greeks and the early Christians accepted slavery and the subjection of women. Were the Christians of the Roman Empire less deeply and less sincerely Christian than they are today? Yet they loyally accepted the absolute power of the Emperor in all temporal matters, and refused him nothing except a worship which they felt was due to God alone. Can we say that Christians, when they are democrats, are, if not more sincerely, then more adequately Christian than when they are not democrats? Surely, we ought to say nothing of the kind. When we are tempted to do so, it is, I think, only because we happen to be both Christians and democrats, who like to see a close connection logical and psychological, between our two faiths. But in themselves these faiths neither exclude nor suppose one another. The good Christian believes in the "infinite value" of the human soul; and the good democrat believes in what he calls individualism. But a good Christian need not be a democrat, nor a good democrat a Christian. It may well be, since modern democracy first arose among Christian peoples, that there are important historical connections between democratic ideals and Christian theology and ethics. It does not, however, follow that the individualism of the democrat and that of the Christian have much in common.

The individualism of the democrat, the sentiment which must be widespread and strong if democracy is to endure and to function properly, is a respect for the right of every man to order his life as he pleases provided he admits the same right in others. It is, indeed, more than that; for it has a less general, a less abstract side to it. It is a sense that, among all the positive rights and duties which a man has in modern society, some are more sacred than others because on them, more than on the others, depends his ability to be himself, to order his life according to his own notions of what it should be. No man's freedom is unlimited, for he must live in society with other men. Whatever his strength or his talents, he is much more dependent on the others collectively than they on him. The faith of the true democrat is that freedom should be as great as possible, that it should not be greater for some than for others, and that men's duties to one another follow from their fundamental right to freedom. These duties are, indeed, a kind of service to freedom, for, except where they are loyally done, the community cannot preserve the freedom of its members.

This individualism of the modern democrat is different both from the love of freedom of the ancient Greeks and from the Christian sense that the value of every human soul is infinite. It is love of a freedom differently conceived from the freedom dear to the Athenians, who cared so much less than we do for privacy, for every man's right to make for himself a world of his own in the larger world he shares with others. In a rough and general way, the individualism of the modern democrat can be defined without reference to democratic institutions; it is respect for certain rights called fundamental because, unless men

have them, they cannot be free, and respect also for duties which must not be neglected if those rights are to be made good. But these rights cannot be fully and adequately defined except in relation to the judicial and political processes which make them actual: in other words, except in relation to democratic institutions.

The Greeks, it has often been observed, lacked our modern conception of rights and therefore our notion of freedom. Not even the Athenians had it. Their courts of law were different from ours in both spirit and procedure; they were less scrupulous, less judicial, less anxious that strict justice should be done to the individual even in defiance of public opinion and of the feelings of his neighbors. The Athenians, too, were individualists, but in a sense that is not quite ours. They lived more publicly, more under the eyes of their neighbors; they cared much less than we do, not only for privacy, but also for the kind of family life centered round the mother, which is the most intimate and personal of all. Athens, for our taste, was too much with the Athenian, who was less concerned than we are to protect the citizen from the state, to define and elaborate his rights as a private person, as a man seeking to make the best of his life according to his own lights. The Athenian was more concerned with man as a citizen than as a creature who, ordinary though he may seem to others, is always unique even among his own kind, a self separate from other selves and with its own peculiar way to make through the world. Athens was perhaps better able than the modern state to possess its citizens entirely without degrading and frustrating them. But today the democrat feels that, if he is to call his soul his own, if he is to preserve dignity and self-respect, he must be jealous of his privacy, he must guard his own little world against the state; he must do so in mere spiritual self-defense. To him, therefore, much more than to the Athenian, the state is a means and not an end.

## II

After respect for personal rights, for privacy and independence, I should put, as a cultural prerequisite of democracy, respect for law, for judicial and political processes, not for their own sake, but as means to security and freedom. This, too, is something to be defined more particularly if it is to be shown how exactly it is a condition of democracy. I do not speak of respect for law merely as such. For that kind of respect has existed in many societies that were not democratic. What I speak of is the respect for law resulting from the love of freedom; it is a respect for the judicial and political processes which, in a large and intricate society, are known to be conditions of freedom. These processes are elaborate and difficult to describe. Most people do not, indeed cannot, understand them in the way that the professional student of politics or law tries to do; they cannot describe how they function. But they can acquire a considerable familiarity with them, and can understand the need for them, putting their true value on them. These processes preserve order and protect liberty, and yet do not prevent change. They make change easy and acceptable provided it is carried out according to definite rules.



This kind of respect for law is altogether different from respect for organized power and established authority; it is rooted in the love of freedom and the sense of justice of a community of equals and not in the mere need for order. This love of freedom is a lively sense that authority is tolerable only because it gives men what they most want and value, what they, and not those in authority over them, think is good for them; and it contains within it the understanding that freedom depends on law, which is an elaborate structure created over a long period of time, a structure more easily destroyed than rebuilt.

Like Pennock, I should put a high value on respect for law, for the "rules," for established judicial and legal processes, as a cultural prerequisite of democracy. I should distinguish this respect for law from the respect for custom of primitive communities, from respect for mere authority, and also from respect for justice in the more general sense. For this respect for law, as distinguished from respect for custom or abstract justice, is associated with a sophisticated conception of government as a changing means to changing ends, an instrument adaptable to human purposes, and which yet must not be adapted arbitrarily. It is constitutionalism of a kind which hardly existed in the Middle Ages and which first became powerful among Europeans, especially in England and in the English colonies across the Atlantic, in the seventeenth century.

This constitutionalism, or respect for a body of precise and intricate rules that preserve acquired liberties, is not to be confused with the mere love of order or with respect for authority. Respect for authority is habit or admiration of power or flows from the need of security; it is passive and unenterprising, looking to government for protection and guidance, and for little more. In itself, it is not evil or contemptible; and yet, unmixed with other motives, it seems, at least to people accustomed to democracy, a little base, a little servile.

Nor is constitutionalism merely a sense of justice. In all societies that are orderly, that are not a prey to anarchy, there is a strong sense of justice; there are rights and duties which almost everyone ordinarily respects or performs. We cannot say that this sense of justice is stronger in democracies than under other forms of government, nor even that democracies are more dependent on it than autocracies or oligarchies. Even in societies on the brink of civil war, there is usually a deep sense of justice. For men who willingly take up arms against their fellow-countrymen usually have strong moral motives for doing so; their sense of justice is deeply offended by the claims of the other party. It was not want of a sense of justice that brought the Americans to fratricidal war in the 1860's or the English in the 1640's. Nor, on the other hand, need differences of opinion about justice, even very deep differences, lead to civil war.

In few countries in Europe have inequalities of wealth and opportunity been greater than in England in past centuries. The poor, during the last century, ceased, perhaps for the first time, to accept these inequalities as right or inevitable, as their ancestors had always done. They acquired notions of justice profoundly different from those of their masters, notions which the entire structure of existing society daily outraged. They became radicals. Their conception of justice was surely more profoundly different from that of the privileged classes

than, say, the conception of John Pym and John Hampden from that of the Cavaliers who fought for Charles I. Certainly, as great a political, and a much greater social, revolution happened in England in the nineteenth than in the seventeenth century; and wherever there is change on that scale and at that speed there are sharp clashes of interest and profound differences of opinion about the essentials of justice. These differences were not less sharp and profound in Victorian England than in the France of the July Monarchy, the Second Empire, and the Third Republic. Yet, whereas in the England of the Stuarts and in nineteenth-century France, there were civil wars and dictatorships, in the England of Victoria there was peaceful and, compared with all previous ages, rapid and many-sided change.

This happened, not because the English under Victoria were more united than they had been in previous ages, or than the French then were, about the essentials of justice. It happened because the English ruling classes were already strongly constitutional in temper, because they had a system of government that admitted change, because they were used to compromise, to frequent and peaceful political victories and defeats according to accepted rules, and because at least some of them were won over to the cause of the poor and the voteless. They gave way reluctantly but they had learnt how to give way; they gave way gradually and voluntarily, and were never humiliated or driven into exile or into the political wilderness; they were never turned into class enemies of the new England which, little by little, deprived them of most of their privileges.

This respect for law, for judicial and political processes known to be conditions of freedom, was at first confined to the ruling classes. The common people had only the more primitive respect for custom and established authority, and also conceptions of justice which, in the age of Victoria, were fast changing and causing them to make demands of a kind never before made on the wealthy and powerful. Because their rulers found it possible to make one concession after another to them, and because the privileges of the well-born and the rich were gradually extended to other classes, the common people acquired in time as strong a respect for law as their rulers had. They had always, like every people everywhere, had a strong sense of justice; and they had always, like the poor and humble in most places at most times, treated their superiors with deference. They had for centuries loved tradition and respected authority. But their conception of justice had changed quickly in a few decades, and this change, far from strengthening, had at first greatly weakened their love of tradition and their respect for authority. What they acquired, as a result of the peaceful and rapid concessions made to them, was a respect for law more sophisticated and refined than they had had before. The mass of the English people, from being the law-enduring servants of aristocracy, became the law-respecting citizens of democracy. I speak only of the English people because I happen to know them best, but I suspect that there was a similar course of events in the English-speaking parts of America, which were also, in the past, much more aristocratic than democratic, though aristocratic in a rather different way from the old world.

## III

Among the seven prerequisites of democracy described by Griffith are a sense of obligation to take part in the business of government and a sense that public office is a public trust. I agree that these are both important conditions of success for democracy, though the second (the sense that public office is a public trust) is not less important to other systems. The prestige of the Prussian monarchy depended largely on it, and the absence or comparative weakness of it was not least among the causes that destroyed the old monarchy in France. It might even be argued that this second condition is more important in undemocratic than in democratic systems, for freedom to those who have learned to value it, will not seem too dearly bought even at the price of considerable corruption and inefficiency. And in any case, corruption and inefficiency, being less easily hidden in democracies than elsewhere have a way of seeming greater. The appearance of virtue is best preserved in the absence of criticism.

The difficulty about Griffith's first condition is that, in the modern world, it is not possible for the ordinary citizen to take more than a very small part in the business of government. There must always be, in a large state, however democratic, a small minority active in government and a large, almost passive majority. No doubt, where democracy is genuine the small part which the large majority take in government is vitally important, making all the difference. Because that part is what it is, all the other parts, the whole-time parts of the professionals, are altogether different from what they would otherwise be. It is not at all the same thing to be a civil servant, or a party official, or a trade union leader, or a spokesman for some pressure-group or professional body, in a democracy as in an undemocratic state. Only a small part of the people take a large and active part in government, only a few have any chance or perhaps much desire of getting power; but the terms on which those few compete for power, and get it, and keep it when they have it, are altogether different because the part in government of the vast majority the small and occasional part, is what it is.

There are local as well as central governments, but in the large industrial state, nearly all important decisions are taken at the center. Local autonomies ought to be preserved as far as they can be, but it matters even more that those who hold power at the center should be quickly responsive to the many demands and needs of the people, and should deal justly between them. Even in federal states, where local autonomies are the greatest, only a small part of the people devote much of their time to public business, national or local. Where too much is required of the people, where they are asked to elect to too many offices or to make too many separate decisions, there is always the danger that they will not do what is asked of them, that they will in fact (though not in law) surrender the right to elect and to decide to party officials of whom they may know nothing. In the United States, the people generally, if we consider the number of times they cast votes, take a much larger part in government than they do in England. Yet I have heard it said by Americans that in America there is more

political apathy than in England. Nor is it obvious that frequency of voting makes for greater public spirit and honesty in civil servants and politicians. What matters more, I venture to think, is that the issues put before the people should be as clear as circumstances allow, and that their votes should be decisive.

I began this section by saying that I agreed with Griffith, and have ever since been arguing as if I did not agree. I must make my meaning clearer. For democracy to function properly, it is not necessary for all the people all the time to take a large part in government, but it is necessary that there should be, among all sections of the people, a considerable number willing to be active on behalf of the class, community, or profession they belong to. The politically active minority should be drawn from every class and section of the community, and no one should be excluded from that minority except by failure to win the confidence of the group on whose behalf he wishes to be active. The politically active minority should be infinitely various, strongly competitive among themselves, and never united as a single body against the mass of the people.

To call this minority an élite is to misunderstand its function in a democracy. It does not consist of persons who, by any standard generally accepted or indeed capable of definition, are wiser or better than other people; it consists only of persons who engage in the many kinds of activity called political because they either are governmental activities or are closely connected with government. Within this minority there are politicians, civil servants, judges, soldiers, policemen, and other public servants, and there are also the spokesmen of innumerable groups, professional, industrial, and cultural. These people, like all other sections of the community, have their professional standards, which in a democracy, as in any other political system, are affected by and affect the working of the entire system. The system works, not because these people, this minority, understand how it works, in the sense that they could describe its working, but because they all commonly behave in the ways that make it work. The successful working of the system is not deliberately aimed at by those who work it but is the result of their behaving as they do.

Soldiers, policemen, judges, civil servants, and all the spokesmen of industrial, cultural, and professional groups have, in every large modern state, broadly the same kinds of work to do. But when the state is democratic they do it in an entirely different spirit. Democracy makes subordinates less servile to their superiors. It also exposes everyone engaged at all prominently in public affairs to kinds of criticism unknown elsewhere. The fears and the hopes of politicians, public servants, trade union leaders, and captains of industry are, in a democracy, otherwise directed. Authority, merely as such, means a good deal less to them, and public opinion a good deal more. Loyalty to the community, in a democracy less than in other systems, means obedience to immediate superiors. It is, I think, this capacity to distinguish between loyalty and obedience, this devotion to law and to a way of life rather than to persons, or corporate bodies, or doctrines, that distinguishes the servants of democracy—or, rather, of constitutional government, which, for reasons I have not here

space to go into, can scarcely be anything but democratic in the vast industrial state of today—from all other public servants.

Where holders of public office—using that word in the broadest sense to include the leaders of all groups seeking to exert political influence as well as persons actively engaged in government—have this spirit (and the democratic system tends to develop it in them) the people have a different kind of confidence in their rulers from the confidence of undemocratic peoples. No doubt, in all countries, the people like to idolize their favorites; but in a democracy those favorites are continuously subject to the criticism of political enemies. Their power is never secure. Even at the height of their popularity, they can be dismissed from power, as Winston Churchill was in 1945. Churchill was never spoken of more warmly and gratefully than during the election campaign of 1945, which he lost; he was then incomparably the most popular man in England. He may well have been more universally loved and admired at that time by his countrymen than Hitler ever was by the Germans. Yet the English people decided they could do without him, and that other and less admirable men might serve them better in their predicament.

The confidence of the people in leaders whose authority depends on their freely-given confidence is peculiar and not to be found outside democracy. It is strong but not unqualified; it is both persistent and variable. It is an effect of the democratic system and the cause of its strength. Where a democracy so functions that it is difficult for any political leader to acquire the influence that several American presidents and British prime ministers have had over their peoples, democracy is the weaker for it; as it is for instance, in France. For if the system does not produce strong leaders, or rather does not allow them to use their strength, there is always the danger that the people will look for leaders outside the system, leaders who can only make their power effective by weakening or destroying the system.

There are relations between leaders and followers possible only in a democracy (though not equally possible in all democracies), relations less rigid, less contrived, less uniform, less remote and absolute, less extravagant than those that bind a people to their dictator, but also more easy, human, and elastic. The people give a leader their confidence while they feel the need for him; and they often feel that need in spite of all the attacks made on him. When they get rid of him, they may still feel warmly towards him, or they may not; but he is dispensable. Their confidence in him is born of controversy, thrives on it, and is in the end weakened or destroyed by it. The democratic leader is not, indeed can scarcely be, what is called a "father-image" to his people. For there is no guilt felt at getting rid of him. The system survives and is scarcely altered by his going. The deepest loyalty is not to him but to the system making him and all his kind servants of the people.

This is, admittedly, an idealized picture. There are probably, in every democracy, many people who feel for some leader or other the kind of feelings that good Nazis or Fascists felt for Hitler or Mussolini, and in every "totalitarian" state some people whose political attitudes are more appropriate to democracy.

Some Germans are better democrats than many Americans, Frenchmen, or Englishmen. Nevertheless, a strong preservative of democracy is the kind of confidence that democrats have in their leaders. They prefer the system to the leaders produced by it, and yet, unless they trust those leaders, the system can hardly work.

It is not easy to describe the kind of confidence that a people must have in their leaders if democracy is to work smoothly among them. It is not, however, difficult to tell whether it is there. How the Americans felt towards Roosevelt and now feel towards Eisenhower, how the British felt towards Churchill and how (though with appropriate differences and lesser intensity) they now feel towards Eden, is far indeed from how most Germans felt towards Hitler or most Italians towards Mussolini. Though the difference is difficult to describe, it is obvious, as obvious as the difference in taste between wine and beer.

#### IV

Pennock has put "willingness to compromise" and "tolerance" high among the cultural conditions of successful democracy. Though I agree with him about "willingness to compromise," I shall not discuss it separately, for I think I have already, in my second section, said what I want to say about it. Democratic respect for law, for the judicial and political processes that make freedom and democracy possible, contains within it the willingness to compromise. These processes have for their object the peaceful settlement of every dispute, no matter what it is. To be a democrat is to believe that men should always, whatever the differences between them, be willing to make a settlement on two conditions: that all parties to a dispute have a right to put forward their demands and to have proper account taken of them in the settlement, and that they all (while this first condition holds) admit their duty to accept the settlement at least until it can be legally revised. The democrat, like everyone else, wants to get his way, but he admits that other men have an equal right to get theirs. He is willing to compromise about anything provided he is treated as an equal negotiator; but he will not compromise about the system that makes compromise possible.

I am not sure that tolerance is a prerequisite of democracy. Of course, if tolerance is merely a synonym for willingness to compromise, for respect for certain fundamental rights, it is a prerequisite; but that, I think, is not its usual, or at least not its whole, meaning. Tolerance is also, and perhaps above all, charity; it is slowness to condemn, it is a lively sense that others are as likely to be right and honest and sincere as we are. It seems to me that, whereas willingness to compromise is perhaps stronger among the English-speaking peoples, who have practiced democracy with conspicuous success, than among most other peoples of European stock, tolerance in this deeper sense quite certainly is not. Over a hundred years ago, Tocqueville was struck by the democratic intolerance of America, by the dislike felt by the ordinary American for anyone with a way of life markedly different from his own, a dislike apparently quite compatible with a passion for freedom and the rights of man. John Stuart Mill

passed a similar judgment on the middle-class England of his day. In politics the French and the Italians have not been as respectful of fundamental rights, or as willing to compromise, or as loyal to a political system making compromise easy, as the Americans and the English; but outside politics they have often proved more charitable, more slow to condemn, less resentful of what does not fall within the necessarily rather narrow limits of their experience.

The Americans and the English are perhaps more tolerant today than they were some hundred years ago; and it may even be that this increased tolerance has come with democracy. Yet I do not believe that the aptness for democracy of these peoples owes much to their tolerance in this deeper sense. There is often about them a narrowness of judgment, a slowness of sympathy, which makes it unusually difficult for them to understand their neighbors and to accept them for what they are.

In the past, the Americans and the English have been, if not purer than other peoples, certainly more puritanical. And puritanism is not conspicuously tolerant. The Puritan is a man of independent temper; his self-respect is greater than his respect for others. He feels himself primarily responsible to himself alone among men for how he lives. No doubt when he prays, he takes care to address God with proper humility; but in his dealings with other men, he is apt to make too free a use of God's authority as if he were somehow on better terms with his Maker than other men are. The Puritan is not remarkably charitable, but his self-reliance and his common sense tend to make him a respecter of rules and of rights. He sees that he cannot, in practice, have the independence he requires for himself unless he allows it to others; and he has enough justice to admit that others should also have what he claims for himself. By temperament he is not mild and tolerant; he is too sure he is right, and sometimes even too pleased with himself, actually to think it good that there should be people in the world who think and behave quite differently from himself. He will not, however, have other people put upon him, and he knows from experience that he can get his way only if he holds fast to laws and conventions which enable them to get theirs. He loves freedom and justice more than he loves his neighbors. Independence and respect for law are his characteristic virtues, egotism and arrogance his characteristic vices. He becomes apt for self-government, for democracy; he becomes a respecter of rights and a champion of compromise, not because he is deeply tolerant, but in spite of his lack of true charity. His aptness for democracy comes above all from his self-reliance, his self-control, and his practical common sense.

I do not wish to make too much of this argument. Not only peoples influenced by puritanism are apt for democracy. I have spoken of the Puritans only because I have wanted to show that the deeper tolerance, which is a charitable mildness in our dealings with others, a respect for what they essentially are even more than for their rights, is perhaps not a condition of democracy. I do, however, think it likely of democracy that the longer it lasts, the more it disposes men to this tolerance. The enormous, intricate, swiftly-changing, modern state, subjecting its citizens to all kinds of strains and frustrations, probably makes

them, in spite of their rationalism and their science, as much as ever susceptible to hysterical, absurd, and cruel passions. In modern society, there are many causes of fanaticism and intolerance, causes different from what they were in older societies but perhaps not less powerful. This, however, is quite compatible with democracy's being, on the whole, a force making for charity and a deeper tolerance.

Men who believe in themselves and put a high value on independence begin by putting up with what they call the errors and the wickedness of others because they see that they cannot pursue undisturbed their own virtuous courses, cannot be free, unless they respect rights, laws, and conventions making those errors and that wickedness possible. But the longer they put up with these errors, the more familiar they become with them, the less obviously erroneous they appear. It begins to seem possible to them that others beside themselves should be honest and pure, and perhaps also right, even in matters they feel strongly about. Men become nicer, more discriminating in their moral judgments. Sometimes, indeed, they even learn to distinguish between their local prejudices and evils more widely recognized as such because they diminish the freedom, the self-respect, the loyalties and affections that sweeten and enlarge men's lives.

Tolerance is an effect of democracy, and of other things besides democracy; but it is not, I think, a prerequisite of democracy, in the sense that individualism and respect for law undoubtedly are. It helps to make democracy work more smoothly, but democracy can emerge even in its absence. In the modern industrial state, owing to its very size and complexity and instability, there are powerful forces that disturb and demoralize men and incline them to intolerance. And intolerance can be fatal to democracy, even though tolerance is not a condition of its success. Love of independence, desire for freedom, respect for law can make the temperamentally uncharitable apt for democracy. When, however, this love and this respect are weakened—and there are many things in the modern world tending to weaken them—intolerance is almost entirely destructive. Charity is the flower rather than the root of democracy.

JOHN PLAMENATZ.

### C

Many difficulties beset the path of one who would discuss the conditions or prerequisites of success for democratic institutions, even if the problem is narrowed by confining discussion to large, industrialized states. For example, we are dealing not only with matters of degree but also with interdependent variables. How much of a given favorable attitude is required may depend upon how much of another attitude prevails. If certain groups have a strong sense of *noblesse oblige*, less will be required of the obligation to participate in public affairs on the part of the rest of the society than would otherwise be the case. The greater the disagreement on the content of justice, the more will the satisfactory functioning of democratic institutions depend upon the willingness to compromise. Similarly, there is interplay between attitudinal and institutional



factors. A widespread and deeply-rooted respect for freedom of speech or the rule of law may be to some extent a substitute for such an institution as judicial review, although without considerable measure of these attitudes judicial review will not of itself avail. It follows that we must beware of thinking of cultural prerequisites in terms of a checklist of unrelated conditions, each of which, in stated amounts, constitutes a necessary condition for democracy. No such mechanical approach would be realistic.

The example of judicial review may be used to illustrate another difficulty. We easily become embroiled with the question of what is cause and what is effect. Is judicial review made possible by an attitude favorable to the rule of law and individual rights, or is such an attitude fostered and supported by judicial review? Of course, the answer is that it works both ways. The relationship is reciprocal. Recognition of this fact contributes to understanding, but it also indicates a certain artificiality that may easily creep into a discussion of "prerequisites." This problem arises not only out of the connection between attitudes and governmental institutions but also out of that between attitudes and economic and social conditions, or indeed between attitudes and *mores*. A particular pattern of family life and child training or certain educational methods, for example, may foster authoritarian rather than democratic attitudes. It is a wise man who can resolve the problems of paternity involved in these relationships.

I may as well suggest at once that, in considering factors that support the attitudes favorable to democracy, I shall place more emphasis on economic and social conditions than does Griffith, and correspondingly less on religious beliefs. To be specific, if we give thought to the major examples of modern totalitarianism, the role played by economic and social conditions in preparing the way for these régimes is more striking, in my judgment, than any differences in religious belief between the peoples of these countries and those of successful democracies. It may be, as Griffith argues, that lack of respect for the individual and want of a sense of basic unity both contributed to the demise of the Weimar Republic, although it is at least worthy of remark that these two attitudes appear to be somewhat in opposition to each other. No study of that unfortunate chapter of democratic history, however, can get very far without raising such questions as: What was it that produced in the Germany of the twenties an effective minority of "true believers"? What enfeebled the will for democracy among the majority? This is not the place to embark upon an analysis of these questions, to which, anyhow, a great deal of study has already been given. While different students would rate the various causal factors differently, there would be general agreement that prolonged depression with attendant unemployment and a general sense of the failure of the government to cope with the situation was fundamental to the frustration and despair that swept the country. Out of these circumstances came both the Nazi "true believers" and the disillusioned democrats who had not the will to resist.

If we examine the rise of fascism in Italy, we again find that extensive unemployment played a large part in the growth of the movement. Even more, we

find frustration arising out of disappointed war aims. Other factors have been mentioned by students of the subject but few if any have ascribed democracy's failure in Italy to lack of religion.

Finally, it is perhaps particularly fitting in considering prerequisites to have regard to a country in which democracy has never been practiced but in which there was an opportunity to give it a try. I refer to Soviet Russia. Why was Russia not fertile ground for democracy in 1917? Was it lack of religion? What student of the subject would not speak first of illiteracy, of lack of experience with free institutions, of the crisis situation produced by war's disorganization, and like factors?

I do not suggest that religious beliefs may not be favorable to democratic attitudes. Nor do I understand Griffith to argue that the mere existence in a country of a high proportion of communicants is a sufficient prerequisite for a successfully functioning democracy. But the remarks I have been making do point to a difference between us at least in emphasis. We are in agreement that certain attitudes are essential to democracy and also that it is important to go behind these attitudes in search of their source. He finds their common source in the religious beliefs of the Hebrew-Christian tradition. That is to say, he finds that specific convictions and attitudes are part of a larger complex. With the latter statement I am in full agreement. I would suggest, however, that even a system of religious beliefs forms part of a larger context. Why do some societies develop religions that give priority to democratic and humanitarian values, while others either develop religions that do not foster these values or else pervert such a religion as Christianity into anti-democratic forms? We must seek the conditions that give rise to a healthy society of healthy personalities, with all the *mores*, attitudes, and beliefs naturally attendant upon such a society, including a peaceful and democratic religion.

And it will do no harm to bear in mind the warning, just intimated, that even the Christian religion is not always productive of attitudes that are either peaceful or democratic. One does not need to appeal to the history of religious wars and Christian autocracies to prove this point. One need only mention Fascist Italy or contemporary Spain. Granted, religion is perverted when it is anti-liberal; that only raises the question: what causes the perversion?

## I

Let me now turn to a brief discussion of certain attitudes I would stress as prerequisites to a successfully functioning democracy. It will be seen that they occupy much ground in common with Griffith's list. Surely, with John Stuart Mill, we must accept, as a fundamental prerequisite, a widespread desire to be self-governing. Democracy cannot be foisted upon an unwilling people. Moreover, to this we may add with Mill and with Griffith the willingness to accept the responsibilities that democracy entails. With the right must go the duty.

Whether the people of Portugal today are sufficiently interested in democracy that they could make a go of it if they were given the opportunity is at least a serious question. The casual observer gains the impression that the incidence

of political apathy is too high to provide a congenial environment for democratic institutions. That impression may be perfectly sound, but to leave the subject at this point would be entirely too superficial a treatment. Whether political interest be considered as a condition prerequisite to the establishment of democracy or as one that must be maintained if democratic institutions are to continue to flourish, it cannot be considered as a homogeneous commodity, the nature and source of which are of no significance.<sup>1</sup> Intense and widespread political interest may be either a healthy or an unhealthy sign in a democratic society. It may be indicative of a degree of tension, of class or group conflict, that bodes ill for other prerequisites, such as the willingness to compromise. It may reflect an intense dissatisfaction with prevailing policies that finds no counterpart in agreement on alternatives. Such a condition is a likely prelude—almost a “prerequisite”—to that politics of desperation by virtue of which dictators so frequently come to power.

It should also be recognized that political interest will be in some measure a function of the extent of governmental activity. In a society in which government determines a large portion of the framework of action within which each individual finds his liberty, it may be expected that political interest will run higher than where market or other individual determinations play a larger role. Among the industrialized nations that are our present concern, the differences in this respect are not so large. Even so, the somewhat lesser amount of petty regulations and lower incidence of direct taxation in the United States may mean that a higher degree of political apathy can be tolerated here than in the other countries in question.

Political apathy may indeed spring from quite various sources. It may reflect a general feeling that all is going well. Even under such circumstances a lively concern for improvement, *via* political as well as other channels, is doubtless a desideratum; but it is difficult to feel that the absence of such a concern indicates a threat to the democracy in question. The record in this country gives clear indication of an inverse relationship between prosperity and political interest.

On the other hand, apathy may reflect cynicism rather than satisfaction. Pennsylvania politics in by-gone days earned itself the designation of “corrupt and contented.” Few would rise to the defense of such a situation. It suggests a corrosive contempt that can hardly fail to undermine the successful functioning of democratic institutions, if it is not corrected. Worst of all, perhaps, is a condition in which apathy is the product of a sense of hopelessness. If because of ignorance, poverty, inadequate communication and organization, or what-

<sup>1</sup> It will be noted that I have shifted the discussion from “the desire to be self-governing” to “political apathy” and thence to “political interest.” I am not unconscious of the change. It may well be that if I were to adhere to the original concept further discussion would be unnecessary and the proposition would hold true that the greater the desire to be self-governing the better. The trouble is that precisely the series of shifts just pointed out is often made unconsciously, with the result that an argument that begins with perfectly sound propositions winds up with statements about political apathy or political interest that are not supportable.

ever, large numbers of people feel at once discontented with their government and yet incapable of doing anything about it, all but the most vigorous are likely to lapse into political quietism. Such a condition need not be a contra-indication for democracy if a non-democratic government is in power. The overthrow of that government may well bring about a sharp change in attitudes. With the sudden opening of new vistas of the possible, people's political interests may quickly spring to life. But if the government is already democratic in form, the stage is set for a charismatic leader to rise to power. Whether such a leader will operate within the forms and spirit of democracy will depend partly upon the extent to which democratic institutions have degenerated and partly upon pure chance.

But democracy is much more than a technique of government. It is a technique that reflects certain values—notably those of individual liberty and equality. Unless the bulk of the society is committed to a high valuation for these ideals it can hardly be expected that institutions predicated upon them will work successfully or long endure. We need not haggle over the meaning of "equality." It is well understood that not equality of condition but the negation of special privilege and the recognition of what is generally called "the dignity of the individual" is what is meant by this term. The connotation of the last phrase is important, however; and it goes beyond what is literally implied by either "liberty" or "equality." The proposition that each vote should count for one and none for more than one is doubtless sufficiently implied by the word "equality." Likewise, "liberty" in this context clearly stands for limitations on the rights of majorities. It includes the proposition that rights, in the form of areas for individual choice, should not only be equal but should also be extensive. The kind of concern for the individual that carries with it unwillingness to tolerate the sacrifice of what is vital to any one person as a means to the realization of less essential benefits for even a large number of others seems also to be characteristic of the value system we are discussing. Perhaps the general disapproval of euthanasia, rightly or wrongly, is a typical reflection of this attitude.

At this point discussion of prerequisites runs a danger of crossing the line into the area of definition. It might be argued that the concept of democratic individualism, on which all three participants in this symposium are agreed, is not so much a prerequisite of democracy as a *part* of democracy as we define that term. Without denying that there would be some point in that remark, I should argue that majoritarian democracy carries within it the seeds of its own destruction; and, moreover, that even a system of legally protected individual rights is nowhere so well defended against the erosive effects of the regulations required by an industrial society as where it is grounded upon lively sympathy and sensitive conscience,<sup>2</sup> expressed in the value system we have been discussing.

<sup>2</sup> Whether the conscience need find its source in religion I do not know. It would certainly be a mistake to assume that men of good conscience are always religious. As to the specific question of the relationship between Christian beliefs about the individual and democratic individualism, I refer the reader to Plamenatz's remarks on this matter.

Mention may next be made of a concern for the general welfare and for individual justice. While not identical, they are closely related both to each other and to the ideal of equality. Probably no society could hold together without a measure of these attributes; it is also probably fair to say that democracy is especially dependent upon them for its successful operation.

One of the most important and distinctive elements of the democratic ethic, one certainly deserving of listing as a prerequisite, is an attitude of tolerance for difference, of willingness to compromise. Certainly no society can hope to govern itself democratically unless this spirit prevails. Nothing is a clearer contraindication for effective democratic institutions than the spirit of intransigence. The experience of French republics appears to be a case in point.

Closely related to the willingness to compromise is respect for rules and set procedures. Not only the basic rule of decision by majorities but also innumerable rules and understandings as to procedure are fundamental to successful operation of the democratic process. The American congressional system is completely dependent, for instance, on such understandings as that the majority party will allow adequate minority representation on committees and that the minority representatives will be allowed opportunities for effective participation. Only when participants in a democratic organization of any kind feel assured that the rules will be adhered to are they likely to accept willingly decisions that affect their interests adversely. Democracy is like a game: unless the participants adhere to the rules it fails of its purpose and will soon break down completely.

It is frequently suggested that "agreement on fundamentals" is a prerequisite to democracy. This contention provides a good illustration of one of the difficulties inherent in any discussion of this subject. "Agreement on fundamentals" is very much a matter of degree; moreover, the amount required varies inversely in proportion to the strength of certain other "prerequisites" present. Of course democracy, like other forms of government but to a greater extent, must rest upon a measure of consensus, upon a certain community of values. But can we say with any precision what must be the nature or extent of this consensus, what matters are so fundamental that they must be the subject of general agreement? I doubt it. Harold Lask used to argue that the general principles underlying the economic system must be agreed upon. He pushed his reasoning far enough to lead him to the conclusion that it was very unlikely that the British parliamentary system could survive an alternation of Labor and Conservative governments. Others have contended that no agreement as to the substance of policy, in the economic realm or any other, was necessary as long as there was agreement on the procedures to be used in determining policy. Yet surely no commitment to constitutionalism is likely to withstand a persistent deep and wide cleavage on policy. Nor are people so divided likely to be willing to compromise. In other words, in speaking of "agreement on fundamentals," "willingness to compromise," and "respect for rules and set procedures" (the essence of constitutionalism), we are dealing with three very closely interrelated factors. To a certain extent, a deficiency

in any one can be offset by an adequate supply of the others. It seems likely that, taking into account all values that have any great political significance, the people of Britain have a greater agreement as to values than do Americans; and it is at least plausible that this disparity is not unrelated to the differences between our constitutional systems, to our greater reliance upon the mechanisms of constitutionalism. I am certainly not suggesting that Americans have a greater respect for rules and procedures than do Englishmen, but I do imply that our lower common denominator of agreed values (other than procedural) has forced us to erect more procedural restraints and so to rely more on this focus of agreement.

## II

It will be apparent that, while Griffith's list of prerequisites and those that I have just discussed do not coincide, they have much in common. Nor should I be inclined to question the importance for democracy of any of the items in his list, although I should think that one or two of them are about as important for other forms of government as for democracy. It is with respect to the central role of religion in creating and maintaining these attitudes that we differ.

No one, I believe, would quarrel with the essentiality to democracy of the notion of the individual as an end in himself, nor dispute the contention that the concept of the "infinite value" of the individual is central to the Christian religion. Whether that concept necessarily carries with it all of the particular connotations that are seized upon by the democrat is probably more debatable, as is pointed out by Plamenatz.

Take, for instance, "love of liberty." Griffith does no more than hint that perhaps nothing less than a theological base is adequate for its foundation. In view of the fact that probably no people has possessed a more passionate love of liberty than the not-very-religious Athenians and the notorious fact that liberty has been more often suppressed than defended in the name of religion, it is easy to see why this connection is advanced so tentatively. I am in thorough agreement as to the importance for democracy of the attitude in question; but the proposition that it finds its surest foundation in religion calls for supporting evidence that I do not find at hand.

It is not only that a Voltaire or a John Stuart Mill—neither marked by religious commitment—may head the list of proponents of that fundamental liberty, freedom of speech, while a Luther or a de Maistre throws the weight of religion on the side of repressive authority—although these facts themselves must give pause to any who would assume any necessary connection between religion and liberty. Beyond this, one must raise the general question of the relationship between democracy and "absolutes." As Griffith remarks, religion is by nature an absolute. Unless one has some foundation for belief in propositions basic to democracy, such as that "the value of the individual is infinite" or that certain defined and equal areas of autonomy should be provided for each individual, then those propositions are built upon sand: this is the position of the democratic absolutist. If one has no metaphysical foundation

for democratic values he is easy prey to the proponent of other and conflicting values. Moreover, if he is in a position of authority, he is subject to no ideological check that will put a brake on his temptation to use undemocratic means for the attainment of the ends he desires to promote.

The relativist sees the matter quite differently. He points out that his belief that no set of values can be verified is very different from a belief that all values are equal. He vigorously asserts that a relativist may be as firmly committed to his values as is the absolutist; and that his values are just as likely to be democratic. He can cite much history in his support. He may even attack the absolutist, arguing that he who believes there are ascertainable absolute truths is likely to be convinced that he knows what they are. And if he knows what they are, then he is under obligation to see that society is governed in accordance with these truths, whether or not the majority of people see the light. Those who think themselves wise will always be tempted to deny freedom to the foolish. Will they be less likely to do so if they are convinced that they are holy as well as right? History hardly supports such an assumption.

Conversely, history provides many examples of tolerant and democratic Christian leaders like Roger Williams and of anti-Christian tyrants like Hitler. My own conviction is that it is impossible to establish any necessary or even probable correlations in this area. Under severe stress the democratic commitment of either the relativist or the absolutist may break down; and if it does he can find a rationalization in his philosophy to support his new position. On the other hand, I firmly believe that under favorable conditions both the relativist and the absolutist, the skeptic and the believer, will place the dignity of man among their primary values.

In suggesting that the political implications of religious belief are ambivalent, I find support in Griffith's own argument. In his discussion of "active and constructive participation in community life," for example, it is interesting to observe that he himself notes the dilemma that arises out of conflict between those who think God's will calls for social action and those who believe it calls for individual liberty. The clash between collectivist and individualist may even be exacerbated when each relates his claim to divine command. Griffith's solution is to fall back upon faith in the democratic process. But surely this brings us back to the specifically democratic attitudes of willingness to compromise and respect for rules, to the relaxed attitude of the well-adjusted personality, and to the social conditions—adequate community life and favorable economic conditions, to mention two—which produce that type of personality. We have here, I suppose, one more instance of the functional interaction and reciprocity among the various factors under discussion.

Griffith rightly stresses the dangers of deference and what he calls "group utilitarianism." The sense of the importance of social responsibility he desiderates would be hard to exaggerate. No society, and especially no industrial society, can be governed democratically without it. Again the question arises: how do we achieve it? In this connection I would add two observations to his remarks, one negative and one positive.

On the negative side, I would suggest that here, too, religion is a two-edged sword. Certainly it is a potent force in reinforcing a sense of social responsibility. But it does not necessarily operate in democratic directions. St. Paul's poetic and moving passage about the body and the members, which Griffith quotes, does indeed express a deep Christian insight and one that is essential for any effectively functioning society. The point is precisely that it is essential for *any* effective society and that with but a slight shift of emphasis it can be made to sound like the credo of fascism. The specifically democratic attitudes are often *so* specific that they must find a less generalized foundation than that of religion.

On the positive side, there is much evidence to suggest that in modern society the very dynamics of democracy itself tends to generate the conditions for its survival. Without in any way belittling the dangers of dispersiveness, it is encouraging to note that Big Business is today increasingly public relations conscious. It knows full well that a "public be damned" attitude will not be tolerated. At no time has this been more clearly illustrated than when automobile manufacturers after the war kept their prices far below what the traffic would have borne. The steel industry and many areas of administered prices behaved in like manner. Even those newest giants in the industrial world, the trade unions, are aware of the fact that they must justify their actions before the public. What reader of this symposium is not constantly deluged with literature from both sides of the labor-management fence seeking to explain and defend their positions in each major conflict situation as it arises? I hope I shall not be accused of undue skepticism if I suggest that religious concern is not the major motivating factor in the sense of responsibility that this activity betokens.

The last several paragraphs have expressed a view that differs from what Griffith has to say about the support given to democratic prerequisites by religion. I have suggested that while religion *should* work this way, it in fact often works in the opposite direction. I have also hinted that there are other directions in which we may look for factors favorable to democratic attitudes. What has just been said in the preceding paragraph is pertinent here. I should like to move on from that to a consideration of conditions that underlie and tend to the development of that "concern for the general welfare" which I listed as a democratic prerequisite. (While Griffith does not use this phrase, what he says about "active and constructive participation in community life," about the "obligation of economic groups to serve society," and about "attitudes assuring that passions will be channeled into constructive ends"—also described as "conditioned humanitarianism"—might be brought under this general heading.)

It is interesting and perhaps instructive to note how we begin to inculcate a concern for the welfare of others in small children. Long before they are able to grasp the concept of God we make substantial progress in drawing out their altruistic side. We build on sympathy. We appeal to a sense of fairness. One need not spell out the well-known stages and devices by which Johnnie



comes to care for baby sister's welfare. In short, under favorable circumstances, where a loving and cooperative family unit is not distorted by the harshness of the struggle with nature or against human marauders such a concern seems to develop quite naturally.

The qualifications just noted, however, are important. Self-preservation is indeed the primal instinct. When all of people's energies are absorbed in the struggle to keep alive, the personality is stunted. Sympathy is restricted. Altruism has no opportunity to grow. Man's concern for himself blocks out all else and his development is checked short of that social being which it is his nature to become. It has sometimes been argued that democracy is the tender flower of a prosperous economy; that only where the vicissitudes of the struggle against nature have already been met to the extent that there is an economy of abundance can democratic institutions flourish. Such a position is clearly an exaggeration. Not only is it over-drawn but the suggestion that democratic institutions cannot cope with adversity is ill-founded. However, I believe it to be true that the democratic attitudes mature only where men have attained some margin above the bare subsistence level. Aristotle was wrong in arguing that only a man of leisure could be a good citizen; but he would have been right if he had said that some leisure and some opportunities for inviting the soul were essential to the development of the political (and democratic) virtues.

I have allowed myself to be diverted from the main line of my argument. While I would stress the importance of an "economic margin" for the development of attitudes favorable to democracy—and especially I would urge the disqualifying effects of extreme poverty—it would be far from my point to urge any one-to-one correlation between prosperity and democracy. It is even possible that too much prosperity may be unfavorable to democratic attitudes. What I am contending is that "conditioned humanitarianism" grows naturally out of a situation where individuals have time and opportunity for forming free and relatively permanent associations in many types of groups, ranging from the family up. Some will be professional and vocational, others will be of the "service" variety. Some will have neighborhood or other geographical bases, while many will unite individuals from different areas. Certainly one of the most important forms of voluntary association will be the church; and the political scientist will recognize that it contributes to the development of democratic value systems as much by provision of opportunities for satisfying and dedicated group activities as by its teachings.

Cities have historically been the birthplaces of democracy—a fact frequently overlooked in romanticized discussions of rural living—but it is true that the modern metropolis often tends to destroy the sociological foundations of a healthy community. We have here one of the points at which it is possible to attack the problem under discussion. Decentralization of industry and many other aspects of city and community planning are subject to our control. We have within our grasp the means for altering the conditions that produce the uprooted, "lost" individual, a problem brought forcibly to our attention by John Dewey long before it became a focus of attention of sociology and social

psychology. What Dewey failed to stress is now fortunately generally acknowledged in this country: namely, that the individual cannot safely find himself in commitment to any single organization, loyalty, or enthusiasm. His quest for community and his sense of belonging must be satisfied pluralistically in order both to do justice to the varieties of personality and to prevent the formation of totalitarian sentiments and organization. The human psyche must not be starved; but if all souls are fed at the same table the din will be deafening. To shift to the currently popular figure, the problem of satisfying the sense of belonging in a constructive fashion may be likened to the building of an atomic pile. Fission taking place in relative isolation is sterile, but concentration of radiation beyond a certain critical point produces an explosion.

### III

In conclusion, let me say that I have conceived it to be my role in this symposium to develop a somewhat different point of view from that set forth in Griffith's opening statement. In doing so I may have given the impression of a wider divergence of opinion than actually exists. As he remarks, in large measure the varying points of view of the contributors to this symposium are complementary. Most of our differences are matters of emphasis. Plamenatz, for instance, questions my inclusion of "tolerance" among democratic prerequisites; but intolerance, he admits, "can be fatal to democracy." I would not contend for more. But I am glad I gave him the opening to make his very wise remarks on this subject. I might take slight issue with some of what he says about public confidence. I think he overdoes the generality of public confidence that has been commanded by such democratic leaders as Hoover, Roosevelt, Attlee, or Truman. Like Griffith, I would place more emphasis on confidence in the system than on confidence in particular leaders. But I suspect there is no important difference of opinion between us here. With Griffith, too, my differences are largely matters of emphasis. Where he stresses religious faith as a means of reinforcing democratic attitudes, I would incline to give priority to familial, social, and economic *mores*, institutions, and conditions that favor the healthy development of "the essence of man."

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# TOWARD A MODEL STATE PRESIDENTIAL PRIMARY LAW

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Since 1948, there has been a marked revival of interest in the presidential primary.<sup>1</sup> In all probability this has come about because of the cleavage between the bulk of the regular Republican leadership, most of whom favored Taft, and the rank and file of the Republican party, who, together with many independent voters, favored Eisenhower. Concurrently, in the Democratic party there was in 1952 a "free convention" for the first time since 1932. As a result, there was revived interest in the presidential primary, and in the system of selecting delegates to the national nominating conventions, during the pre-convention campaigns of 1952. Since the untimely heart attack suffered by President Dwight D. Eisenhower in 1955, interest in the nominating process for the presidential candidates of the major parties is again at a high point. This article, after reviewing briefly recent developments with respect to presidential primaries, discusses in some detail the legislation enacted in 1955 by the state of Florida.

## I

During the period of the 1952 contest, interest in the presidential primary was expressed in four ways. In the first place, Eisenhower's decisive show of strength in primary contests in New Hampshire, Minnesota, and New Jersey drew public attention to the contrast between the preference primary and the methods of delegate selection in other states. Texas is a prime example of the manipulations that characterized the worst use of the convention system.

In the second place, proposals for a nationwide system of presidential preferential primaries were introduced in Congress. These proposals received more attention in 1952 than had been given the issue for a number of years.<sup>2</sup> Two

<sup>1</sup> The term presidential primary is used in this article to describe what are actually three different systems. First, there is the preferential primary, in which presidential aspirants are listed and the voters in the primary choose between them. Second, there is the primary for electing delegates to the national convention. A third system, favored by the authors, provides for a combination system in which the voters select among delegate slates pledged to particular candidates. This inclusive definition follows Charles Merriam and Louise Overacker, *Primary Elections* (Chicago, 1928), p. 141. See also Louise Overacker, *The Presidential Primary* (New York, 1926).

<sup>2</sup> For earlier proposals see S. 1726, 72nd Cong., 1st sess., Dec. 14, 1931, *Congressional Record*, Vol. 75, p. 443; and George W. Norris, *Fighting Liberal* (New York, 1945), p. 336. The first major reference in Congress to such legislation was in the 61st Congress. Speech of Sen. Jonathan Bourne (R) of Oregon, 61st Cong., 3d sess., Feb. 27, 1911, *Congressional Record*, Vol. 46, p. 3550. Reference was to the Oregon state law.

different systems were suggested. One, advocated by Senator George Smathers,<sup>3</sup> called for a constitutional amendment to abolish the national party nominating conventions and replace them with two primaries in each major political party. The first primary was to be held on the first Tuesday after the first Monday in June of each presidential election year; the second primary was to be held on the first Monday in August of that same year. The computation of votes in each party was to be based on the proportion of the votes received by each candidate in every state. The second primary was to be held only if no candidate received an absolute majority in the first primary, and was to be limited to the two candidates receiving the highest vote. As an alternative to this procedure, Senator Smathers proposed another constitutional amendment<sup>4</sup> which was less detailed and simply specified that Congress should enact appropriate legislation to provide for the presidential nominations "in a simultaneous, nationwide individual party primary."

A less elaborate procedure which retained the national convention was proposed in a bill sponsored by Senator Paul Douglas of Illinois and Representative Charles Bennett of Florida.<sup>5</sup> This measure provided for compensating each state which conducted a presidential preferential primary with an amount of money equal to the cost of the primary. An appropriation of \$10,000,000 was authorized for this purpose. Only parties which polled 10,000,000 or more popular votes in the election of 1948 were to participate in these primaries. Obviously, this would restrict the primaries to the Republican and Democratic parties. This bill and the Smathers proposals have been analyzed in Paul T. David, *et al.*, *Presidential Nominating Politics in 1952; the National Story*,<sup>6</sup> and will not be further considered here.

The Douglas-Bennett bill did not eliminate the national nominating convention. Moreover, it left the choice of delegates to be determined by individual states or the rules of the parties themselves. In 1953 the Douglas-Bennett bill was revised and introduced in the 83rd Congress.<sup>7</sup> After further study, still another version of the bill has been introduced in the current Congress.<sup>8</sup> This proposes a bipartisan commission of five appointed by the President. This commission is to receive from participating states a statement of the provision under which the states will hold primaries. It will certify dates for participation in the primaries if they conform to the general provision of the national legislation outlined below.

<sup>3</sup> S.J.R. 125, 82nd Cong., 2nd sess., Jan. 20, 1952.

<sup>4</sup> S.J.R. 145, 82nd Cong., 2nd sess., March 25, 1952.

<sup>5</sup> H.R. 8374, 82nd Cong., 2nd sess., June 26, 1952; S. 2570, 82nd Cong., 2nd sess.; Cf. *Hearing before the Subcommittee on Rules of the Committee on Rules and Administration, U.S. Senate, 82nd Cong., 2nd Sess., on S. 2570* (March 28, 1952, G.P.O., 1952).

<sup>6</sup> (Baltimore, 1954), pp. 194-224.

<sup>7</sup> H.R. 96, 83rd Cong. 1st sess., Jan. 3, 1953, *Congressional Record*, Vol. 99, pp. 55-56; also S. 1049, 83rd Cong., 1st sess., Feb. 20, 1953, *Congressional Record*, Vol. 99, p. 1294.

<sup>8</sup> H.R. 2532, 84th Cong., 1st sess., Jan. 20, 1955, *Congressional Record*, Vol. 101, p. 417. S. 652, 84th Cong., 1st sess., Jan. 20, 1955, *Congressional Record*, Vol. 101, p. 441, and "analysis," *ibid.*, pp. 445-46.

Candidates shall be eligible to participate if they are certified to the commission by petitions containing at least 1,000 signatures from each state participating, if no more than four states participate. If more than four states participate, petitions containing at least 1,000 signatures for each candidate must be submitted from at least 75 per cent of the participating states. Petitions are received until March 1 and a candidate who does not withdraw by March 20 is then certified to the states. A candidate may be listed in only one party primary, and voter participation is restricted to the party in which the voter is registered (the closed primary). The primary must be held between April 1 and July 31. State law must pledge the delegates selected to the party national convention to vote for the winning candidate of that party or the first ballot. The proposed statute does not fix the method for selecting delegates. However, it binds the delegates to the candidate to whom they are pledged so long as he does not withdraw and so long as he received at least 10 per cent of the vote on the first ballot, 20 per cent on the third ballot, and 30 per cent or more on the fifth ballot. Each state holding such a primary shall receive from federal funds 20 cents for each vote cast in the primary.

The Douglas-Bennett Bill has thus been revised, but the aim at a national system of presidential preferential primaries remains the same. The primary is designed to supplement but not to supplant the national convention. The bill also seeks, by providing for the closed primary, to meet the criticism that it would weaken party discipline. The bill has been further refined in attempting to avoid a convention deadlock by liberalizing the provisions for pledging delegates. As the convention advances, a larger proportion of the vote must be polled or the delegates are released from their pledges.<sup>9</sup> This attitude of reconciling the primary with party machinery is typical of most present-day proponents of the presidential preferential primary. Such an attitude is in contrast with earlier proposals of the Progressive Era, which showed little or no such concern.<sup>10</sup>

A third manifestation of interest in the presidential primary in 1952 was the American Political Science Association project for the study of the nominating process in the two major national parties. The enthusiasm of Association members, together with the financial assistance of the Stern Family Fund, resulted in a complete study of the pre-convention process in all states, and of the nominating conventions themselves. After two years of intensive work, the separate state studies were published in four volumes; the editors of these volumes, Paul T. David, Malcolm Moos, and Ralph M. Coldman, wrote a summary volume, *Presidential Nominating Politics in 1952: The National Story*.

The fourth major development was the increase in voter participation in

<sup>9</sup> Paul H. Douglas, "Conventions and the Popular Will," *New Republic*, Vol. 132, pp. 11-15, May 28, 1955.

<sup>10</sup> The same may be said for most political scientists. See the American Political Science Association Report, "Toward a More Responsible Two-Party System," this REVIEW, Vol. 44 (Sept., 1950), Supplement; also Malcolm Moos, "New Light on the Nominating Process," in *Research Frontiers in Politics and Government* (Washington, 1955), pp. 135-67.

presidential preferential primaries, the enactment of improved laws, and the addition of new states to the list of those having primaries. In 1948 only 3,622,117 votes were cast in presidential preferential primaries.<sup>11</sup> In 1952 the number of votes cast in such primaries rose to 10,735,122 (see Table I) in the 14 states in which there were opposed candidates. In addition, there were elections for delegate slates in the primaries of other states, but these contests were not of great significance.<sup>12</sup>

Of additional importance are the redrafting and improvement of state primary laws and the adoption of the presidential preference primary by certain states

TABLE I. PRESIDENTIAL PREFERENCE PRIMARIES: POPULAR VOTES, 1952\*

State	Popular Votes	State	Popular Votes
California	2,954,791	New Hampshire	136,159
Florida	653,333*	New Jersey	800,862
Illinois	1,872,435	Oregon	392,024
Maryland	154,269	Pennsylvania	1,290,618
Massachusetts	434,922	South Dakota	162,150
Minnesota	418,789	West Virginia	128,026
Nebraska	318,590	Wisconsin	1,018,149
Total			10,735,122

\* Data from *Congressional Record*, 82nd Cong., 1st sess., July 3, 1952, Vol. 98, p. 9082.

\* Democrats only.

and by Congress for the District of Columbia. Between 1948 and 1952 there were important changes in state laws. These included adoption of the new Minnesota statute and important revision in the state laws for the presidential primaries in Wisconsin, New Hampshire, and Nebraska.<sup>13</sup> In the period 1952-54 there have been other changes in state laws and 1955 saw Congress grant a type of franchise to the District of Columbia for the first time.<sup>14</sup> A general

<sup>11</sup> See *Congressional Record*, July 3, 1952, Vol. 98, p. 9082 for tabulation; as to the number of states holding primaries, a check was made with David, *et al.*, *Presidential Nominating Politics in 1952*, especially *The National Story*, pp. 173 ff. For changes, statutes of all 48 states were checked through 1954. Except for the Florida developments and those in the District of Columbia, 1954 is the end of the period for which legislation in the separate states is considered in this article. Legal supplements and other data for the 1955 legislatures were not available when this article was being written.

<sup>12</sup> *Congressional Record*, Apr. 9, 1952, Vol. 98, p. A 2720; Roma K. McNickle, "Presidential Primaries, 1952" in *Editorial Research Reports*, Vol. 1, p. 46 (1952). Also Paul T. David, *et al.*, *op. cit.*, chapters on Ohio, Alabama, New York.

<sup>13</sup> David, *et al.*, chapters on the states mentioned. Nebraska added in 1951 an amendment which required the consent of the candidate, which changed a traditional feature of her system that was known as the "all star contest." Vol. 4, p. 286.

<sup>14</sup> A different version of this bill was adopted in 1954 but vetoed by the President because of interference with principles of the Hatch Act in one clause. For the 1955 Act, see *Congressional Record*, 84th Cong., 1st sess., July 12, 1955, pp. 8839-41, for amended version and for Senate action. This became Public Law 376, 84th Cong., approved Aug. 12, 1955.

primary law was enacted which provided for election of party officials for the District in the two major parties. This provided as well for a presidential preferential primary among candidates who (1) are certified by the party committee; and (2) consent to having their names on the ballot. This law marks the first enactment of presidential primary legislation by Congress.

Changes in state laws between 1952 and 1955 show that New Jersey enacted a few unimportant changes and three states, Indiana, Montana, and Nevada, adopted presidential primary statutes in 1953. The Nevada statute, however, was repealed in 1955. Montana provided in 1953 for election of pledged delegates in the primary, but the 1955 Montana legislature modified this to provide for selection of delegates by a state convention. A presidential preferential primary is required, however, with the delegates to remain pledged to the candidate winning the primary unless he shall release the delegates, or unless his vote drops below 20 per cent of the total vote received in the convention.<sup>16</sup>

The Indiana act simply provides for listing the candidates for president on the primary ballot and having the voter make his choice. Delegates who are selected by the state convention are required to take an oath to vote on the first ballot for the presidential candidate winning the state-wide party primary. District delegates are similarly bound to the winner of the district primary. The addition of Indiana and Montana as presidential primary states raises the number having names of delegates or candidates for the presidency on the primary ballot from 17 in 1952 to 19 authorized by mid-1955. In addition, Arkansas and Georgia have optional statutes seldom or never used. But it should be noted that this total number of states is lower than the peak around 1916 when half the states had the primary in operation. Then a decline set in. It is the position of the present writers, following W. O. Key, Jr., that the misconceptions about the primary, faulty laws establishing such a primary, and faulty ballot procedures did not permit a valid test of the presidential primary.<sup>17</sup> Consequently, analysis of proper principles for such a primary and construction of a proper ballot are of importance.

## II

The recent enactment of a new ballot form for the Florida presidential preferential primary was preceded by careful analysis of these factors. At the same time considerable attention was given to the encouragement of a two-party system within the framework of the proposed law. Some attention had to be given to the background of existing legislation. Consequently, these factors

<sup>16</sup> For 1953 acts see Title 19-31, *New Jersey Statutes Annotated, 1954 Supp.*; *Annotated Indiana Statutes, 1953 Supp.*, Title 29-3619, giving Ch. 193 of 1953 Acts.; Ch. 214, *Laws, Resolutions . . . by the 33rd Legislative Assembly* [of Montana], 1953; Ch. 299, *Statutes of Nevada passed at the 46th Session of the Legislative Assembly*.

<sup>16</sup> For changes in Nevada in 1955 see Ch. 304, *Statutes of Nevada, 1955* and for changes in Montana, Sec. 29-909 (639), Sec. 23-1006 (673) *1955 Supp. to Election Laws of Montana*.

<sup>17</sup> *Politics, Parties and Pressure Groups*, 2nd ed. (New York, 1947), p. 392.

necessitate the tracing of a story which considers the background, an analysis of the principles, and the ultimate ballot and law.

The Florida law on primary elections has been modified by almost every session of the legislature since the primary was first authorized in 1901.<sup>18</sup> The original 1901 act was typical of those acts of the Progressive Era which regulated the holding of primaries. It empowered a state party executive committee, congressional district party committee, or county committee, to hold a primary election for the choice of any party nominee. Under this permissive act the first state-wide primaries were held in 1902. Then, in 1904, the state committee of the Democratic party called a primary election on May 10 of that year. The 1904 primary provided for the election of delegates to the Democratic National Convention, four from the state-at-large and the remainder from congressional districts.<sup>19</sup> It should be noted that this election of the Florida delegates to the Democratic National Convention is four years earlier than any previously noted presidential preferential primaries.<sup>20</sup>

The Florida primary in 1913<sup>21</sup> was made mandatory for the Democratic party for all candidates for elective offices, and made permissive for all party offices, including delegates to the nominating convention. The state executive committee was empowered to set up a form of ballot for party offices and determine which party officers should be chosen in the primary. Subsequently, in 1915, the nomination of delegates to the national convention was made mandatory in the primary.<sup>22</sup> This provision, with various changes, has remained a part of the law to the present. Until 1955 none of these features were mandatory upon the minority party. In addition to the election of delegates in the primary, the state party committee was empowered by this early legislation to provide for listing the leading candidates for president and vice-president on the primary ballot. The earliest date for which there was a separate vote for these candidates was in the primary of 1912 when Oscar W. Underwood and Woodrow Wilson were listed.<sup>23</sup> Since 1943 the power of the state committee to provide for a specific listing of presidential candidates on the primary ballot has been required by statute.<sup>24</sup>

Finally, since 1945, candidates for delegates to the national convention may list after their names their choice for a presidential nominee. The act also provides for those delegates running unpledged to be carried as unpledged on the ballot.<sup>25</sup> This resulted in an extremely complicated situation in the 1952 Demo-

<sup>18</sup> Ch. 5014, *Acts of Florida*, 1901.

<sup>19</sup> Jacksonville, *Florida Times Union*, May 1, 1904, p. 15, cols. 1-2; May 10, 1904, p. 3, cols. 4-5; May 22, 1904, p. 2, cols. 1-5.

<sup>20</sup> See Overacker, *The Presidential Primary*, which considers early statutes and lists the Wisconsin law of 1905 and the Oregon law of 1910, and Merriam and Overacker, *Primary Elections*, p. 141.

<sup>21</sup> Ch. 6469, *Laws of Florida*, 1913.

<sup>22</sup> Ch. 6874, *Laws of Florida*, 1915.

<sup>23</sup> Jacksonville, *Florida Times Union*, May 10, 1912, p. 13, cols. 1-2, p. 17, cols. 1-2.

<sup>24</sup> Ch. 22058, *Laws of Florida*, 1943.

<sup>25</sup> Ch. 22729, *Laws of Florida*, 1945.



cratic primary. At the time of the first primary the names of Estes Kefauver and Richard Russell appeared on the ballot. Then in the second primary in May the names of the delegates appeared. However, there were further complications in 1952 because three competing slates, all pledged for Russell, appeared on the ballot for the second primary. Since the delegates were listed in alphabetical order, this produced a very long ballot and one which was definitely confusing. It resulted, moreover, in splitting the Russell vote so that Kefauver received more delegates than would otherwise have been the case. Among statewide delegates, there were eight to be elected. Sixty-one per cent of the vote was cast for Russell but only five of the eight delegate vacancies went to the Russell candidates.<sup>26</sup> All this created an atmosphere in which the Florida legislature was quite receptive to a clarification of the ballot.

There was another factor which produced a legislative atmosphere favorable to the adoption of an improved system. The present governor of Florida, LeRoy Collins, campaigning in 1954 for the two-year vacancy created by the death of the previous governor, had made "improvement of campaign laws" a plank of his platform. He was generally concerned with clarification of the ballot but more concerned with the reduction of the campaign period and the reduction in campaign expenditures. Recommendations to accomplish this were made in the governor's message at the opening of the legislature on April 5th.<sup>27</sup> A final factor which produced a favorable atmosphere for the improvement of the presidential preferential primary in Florida was the general desire of many officials of both parties to improve election laws and to recognize the two-party situation existing in many parts of the state. In 1952 Eisenhower carried the state. Then, in the 1954 elections to the United States House of Representatives, a Republican, W. C. Cramer, was elected from the district which includes St. Petersburg and Tampa. In other areas of South Florida some Republican county officials were elected. All of this called for a rejuvenation of both Democratic and Republican campaign machinery.

Late in 1954, four independent moves were made toward redrafting the election code. Governor LeRoy Collins appointed a Citizens Committee, headed by former State Senator Henry Baynard of St. Petersburg, Florida, to work on certain phases of the law. The Democratic State Committee, headed by James Milligan of Orlando, Florida, proposed legislation to strengthen the loyalty oath for both candidates and voters within the closed Florida primary system. The committee also wished to improve party finances by asking for a law which would transfer the filing fees required of all candidates from the state treasury to the party committees. It had a complete program supported by a lobby representative throughout the legislative session. W. A. F. Stephenson, Chairman of the Democratic Executive Committee for Pinellas County (St. Petersburg and Clearwater), began an independent move to recraft the code with special emphasis on adapting to the two-party situation in central and South Florida. Finally, members of the minority faction of the Republican party

<sup>26</sup> Manning J. Dauer, *et al.*, "Florida" in Davis, *et al.*, *op. cit.* Vol. 3, p. 137.

<sup>27</sup> Jacksonville, *Florida Times Union*, April 6, 1955, p. 1.

wanted the Republican primary of 1956 to include the choice of delegates to the national convention. The Alexander majority faction of the Republicans also was willing for the Republican delegates to the 1956 convention to be elected. The Republicans held six of the 95 seats in the Florida House of Representatives and one of the 38 seats in the Florida Senate. Their strength in voting was therefore of no importance, but both the regular Democratic organization and the minority Republicans were mutually interested in encouraging the registration of voters under the respective party labels. Under the closed primary system, this would assure elimination of many voters from the Democratic primary with an increase in the Republican registration.

While other phases of the election code received the attention of different groups, the initial move to modernize the presidential preferential primary section of the election code was made by William Stephenson. In January, 1955, he wrote to Paul T. David requesting David's advice on the redrafting of the Florida primary law. David replied on January 24, 1955 outlining in a four-page memorandum "Proposed Specifications for a Presidential Primary System in Florida." David also wrote to the author of this article and by agreement with Stephenson, Dauer, and Professor Bruce B. Mason, also of the Department of Political Science of the University of Florida, undertook to draft the proposed changes in this section in the Florida law.<sup>28</sup> Mason and Dauer then studied the existing Florida law, the David proposal, the January, 1955 memorandum by Richard Childs of the National Municipal League,<sup>29</sup> and the South Dakota law, which was deemed to have the best ballot arrangement. Before the final version was ready for the legislature, several conferences were held with Stephenson and there was also an interchange of correspondence by David with Professors Louise Overacker, Arthur N. Holcombe, and Joseph P. Harris. The final draft of the law met with the general approval of all those named, except that Mr. Richard Childs, while approving the law in part, remained committed to certain different proposals.

### III

In the opinion of the senior author, the object of a presidential preferential primary should be to permit the expression of a popular choice in each state. However, the preference primary should be incorporated within the framework of existing party structure. This calls for the continuation of the national nominating convention, and the election of delegate slates favorable to the candidate named in the preference primary. Finally, the delegates at the convention should be loyal to the candidate, but should be free to compromise or change as the convention develops.

It is also desirable that the presidential preferential primary not lead to the long ballot. This led Paul T. David to state:

The basic proposal is for the type of system in which the voter is required to make only one choice and one mark in order to vote the presidential primary ballot. The voter would

<sup>28</sup> *Florida Statutes Annotated*, Sec. 103.101.

<sup>29</sup> "Outline of a Model State Primary Law" (mimeographed).

choose among slates of delegates. But the specifications that follow could be expected to give the voter in each party a frequent choice between candidates for the presidential nomination as an aspect of his choosing between groups of candidates for delegate. In its basic structure, the proposed system contemplates and assumes that occasionally there may be a desirable candidate for President who is unwilling to campaign openly for the nomination, and who may have to be drafted if he is to be nominated at all.<sup>20</sup>

The specific proposals of David to carry out these principles are as follows:

1. The presidential primary would be a closed primary; voters would be allowed to vote only the ballot of the political party in which they are registered.

2. The ballot would carry organized slates of delegates; a would-be delegate would be allowed to run for election not as an individual, but only as a part of an organized slate that includes a full list of candidates for delegate-at-large, together with a full quota of district delegates in at least half of the congressional districts of the state.

3. Delegates-at-large would be elected on the basis of the state-wide vote; district delegates on the basis of the vote in their respective districts.

4. In each congressional district, the ballot would carry only the portions of the slates to be voted on in that district: the candidates for delegate-at-large and for district delegates for that congressional district.

5. Organized slates that prefer a particular individual for the presidential nomination would be allowed to indicate their preference on the ballot, in a position prominently associated with the box or circle in which the voter places his mark. The consent of the potential nominee would not be required for the inclusion of such expression of preference on the ballot.

6. If two or more slates are filed in support of the same candidate, he would be given an opportunity to choose the one to appear on the ballot. If he declined the making of a choice, the first slate filed would be placed on the ballot.

7. Delegates would not be required to execute any formal pledge of support for the candidate they favor, the moral commitment implied in association on the ballot being deemed sufficient if the candidate proves to be available.

8. The ballot would carry organized slates running on a "no preference" basis where such slates are offered.

9. If two or more "no preference" slates meet the filing requirements in a presidential primary of the same party, all would appear on the ballot.

10. In each slate of delegates carried on the ballot, the individual to serve as delegation chairman should be clearly indicated and he should head the list of candidates for delegate-at-large.

11. Members of each slate accepted for the ballot should be required to file a public statement of not more than 1000 words in which they set forth so far as possible the position they propose to take on known issues that will come before the national convention and on which it is expected that the convention will be divided.

12. There would be no provision for a separate presidential preference poll

<sup>20</sup> David's "proposals," Jan., 1955. In preparing his "Proposed Specifications," David drew on research at the Brookings Institution, financed by a grant from The John Randolph Haynes and Dora Haynes Foundation of Los Angeles, as well as on the earlier work for The American Political Science Association.

in which the voters would vote on candidates for the presidential nomination, as distinguished from slates of delegates supporting a particular candidate.

The David proposals were all incorporated in the Florida law except for point 11. The main differences between the general principles of Richard Childs and the David proposals were: first, no direct effort was made to include Childs' suggestion that there be a form of proportional representation. This was contrary to the experience in Florida and would not have been deemed acceptable. On the other hand, it was equally certain that a single vote for all the delegates, electing them from the state at large, would not be acceptable. Consequently, David's point 3, that "delegates-at-large would be elected on the basis of the state-wide vote; district delegates on the basis of the vote in their respective districts," was deemed to accomplish both what was feasible in this direction and what would reflect the voters' opinion in instances where the minority




Candidates Preferring JOHN GREEN for President	Candidates Preferring JAMES BROWN for President	Candidates Expressing No Preference
		
Delegates-at-Large	Delegates-at-Large	Delegates-at-Large
Organizing Chairman Sam White	Organizing Chairman Robert Gray	Organizing Chairman John Williams
John Jones Belle Brooks	Charles Smith Hildred Casey	Peter Kyne Wilbur Collins
District Delegates John Doe Mary Roe	District Delegates William Jones Peter Sands	District Delegates Tom Burt Susie Brown

FIG. 1. Florida Presidential Primary Ballot.

might be concentrated in one or more congressional districts. At the same time this was accomplished without the need for further marking on the ballot by the provision of the Florida Law, Sec. 101.180, *Florida Statutes Annotated*, and Sec. 103.101, sub-section 7, which simply specifies that a vote on the ballot shall be counted separately for the state-at-large delegates and within each congressional district. (See Figure 1.)

One other feature, found both in the South Dakota law and in the Childs proposal, was rejected: requiring a candidate's approval before his name be put on the ballot. It was believed to be desirable, both by David and in Florida practice, that the Florida law should not require approval of candidates for president before delegates pledged to him might file. On the other hand, if the presidential candidate does take an active interest in the delegates, the Secretary of State is directed to enter on the ballot only the slate approved by the candidate. In case he does not indicate a choice of delegates and more than

one slate files for him, only the first slate which files with the Secretary of State shall appear on the ballot. In subsequent discussion with the Election Committees of the Florida House and Senate, the only objection raised to this feature was by Representative Fred C. Peterson, Republican, of Pinellas. He pointed out that this would discriminate against the minority faction of the Republican party, of which he was a member, when his party was in power nationally. If the national party recognized only the state organization as the official representative of the administration, a delegate who might win in a congressional district could be omitted from the official party slate.

In accord with Florida practice, the law *Florida Statutes Annotated*, Sec. 103.101 provides that half the delegation shall be men, and half women. It also provides that each delegate shall select his or her own alternate. Finally, it provides for filling vacancies in district delegates in case a slate carries the district, but its list is incomplete in that district by action of the state-at-large delegation, if that group is elected which also is pledged to the same presidential candidate.

No attempt was made in Florida to pledge the delegates for a given number of ballots. The assumption was that in the average case those delegates who appear on the ballot will have the approval of the candidate for president and will have a point of view sufficiently favorable to him that they will remain loyal as long as there is any practical chance of the convention nominating the candidate. David's own view is that the delegates and the convention should be allowed reasonable freedom of action. He states: "I would be inclined to emphasize the desirability of leaving the delegate in a position to represent his constituents in accordance with his best judgment after having informed them of the preference by which he intends to be guided, particularly since the delegate does not receive any pledge that his preferred candidate will in fact be available. My view is that most delegates who are formally pledged stay frozen too long rather than not long enough, in terms of the major interests of their own constituents. However, we expect to have additional data on this after we complete studies currently in process."<sup>1</sup>

#### IV

Stephenson had worked for five months in the winter of 1954-55 on the proposed revision of the election code. He also did considerable spadework prior to the convening of the legislature in April to secure support for the proposals, including the presidential preferential primary section. He explained the legislation to the officials of the State Democratic Executive Committee, who agreed to adopt an attitude of benevolent neutrality. To have taken a positive stand would have required a vote of the entire state committee; this was not considered feasible. In Florida, those officials most concerned with the election machinery are the county supervisors of registration, who are elected in each county. Stephenson appeared before their state organization at their annual meeting and explained the proposed changes. This was an important group to

<sup>1</sup> David to Dauer, Aug. 3, 1955.

consider because they maintain a lobby of at least three members who attend all meetings of the Elections Committees during the session of the legislature and also have contact with the other organizations of county officials. The author also studied the provisions of the general bill and participated in their presentation to other groups.

Further work was done by Stephenson with the Speaker of the Florida House, Ted David, of Ft. Lauderdale, H. T. Cook, Chairman of the House Elections Committee, and Farris Bryant, retiring Speaker and powerful House leader. All subsequently supported the legislation strongly. This was possible prior to the session, because the Florida legislature is organized as a continuous body, although it meets only biennially. The Speaker for the next session is nominated by the Democratic caucus of the House at its meeting two years before the convening of the new legislature. This act is binding on newly-elected members of the legislature by custom. The Speaker-designate then names the committees which also work in the period between sessions.

The senior author of this article had been appointed to two of the Governor's Citizens Advisory Committees, Reapportionment and Constitutional Revision. This enabled him to clear the proposed legislation with the Governor and his legislative aides for the House and Senate respectively. The Governor expressed interest in the general revision but specified that his own program of cutting campaign costs should have priority in case of deadlock over some of the more sweeping changes, such as the change of primary date to the fall. The Governor gave permission to incorporate his own program in the general bill revising the election code.

One cross-current that appeared throughout the session was the continuing battle between the Democratic State Committee, which had campaigned for Adlai Stevenson and wanted to strengthen the loyalty pledge, and the National committeeman, Mr. Richard Barker, who had refused to campaign for Stevenson and who opposed strengthening the loyalty pledge.

A final complicating factor was the split in the Republican party. The dominant faction in the state is the Alexander-Spades faction, which controls the State Committee and represents the state on the Republican National Committee. In part its control depends on the existing composition of the State Committee, i.e., two members from each county. This constitutes a serious underrepresentation for the populous counties with a large Republican registration. Members of the opposing faction are anxious for a more representative State Committee. Also, this opposition faction has long stood for electing delegates to the national convention in the party primary. This division in the Republican delegation, however, affected the attitude of the Republicans on the election laws.

The main provisions of the proposed code, in addition to the presidential preference primary, were:

1. The bill incorporated a recommendation by the Governor, based on that of his own Citizens Committee, that the cost of campaigning be limited by prohibiting all campaigning before a first filing date and that the last filing date for candidates for state-wide offices be moved to 63 days before the first pri-

mary.<sup>32</sup> Prior to this first date it would not be possible to set up county campaign headquarters, distribute literature, and publish advertising.

2. Stephenson also proposed a change in primary dates from the regular primary dates in May. The first primary was to be held seven weeks before the general election in November, followed by the second primary four weeks before the general election. These provisions were combined with the Governor's recommendation as to the filing date. Coming from a two-party county, Pinellas, Stephenson felt this to be important in the interest of securing higher calibre candidates. Under existing law the primary campaign lasts from January to May, and is followed by the general election campaign. This takes too much time and results in many capable individuals, refusing to run for office.

3. The proposed change of primary dates from May to September would require the holding of a special primary—the presidential preference primary—every four years. The time for this was fixed at the third Tuesday in June. It was estimated that the cost of this primary every four years would be about \$250,000.

4. In order to assure a primary for the Republican party, the percentage of vote required was reduced. Presidential primaries were now to be required for any party polling 10 per cent of the vote for governor in the last election; or any party having 10 per cent of the total number of registered voters.<sup>33</sup>

5. The composition of the State Executive Committee would affect the presidential preferential primary law in one particular case. This would occur when the national party in power recognized only the state executive committee. In such a case it would be important to make the state committee representative of population and not of counties, for under the proposed law the state committee would control the state delegate slate approved by a president running for re-election. It was also believed that a more representative state committee would be otherwise more effective. Accordingly, a section of the proposed law also changed the composition of the State Executive Committee by abolishing the system of two members (one man and one woman) from each county. Instead, the State Executive Committee was to have four members (two men and two women) from each congressional district with a bonus of one additional man and one additional woman from each congressional district in which the party had 20,000 registered electors. An additional two members would be added for each additional 20,000 registered electors, provided that not more than eight men and eight women might be qualified from a single congressional district.

6. Other provisions of the law will not be considered in detail. In general they aimed at tightening up the law concerning campaign contributions, including an enforcement section.<sup>34</sup> Registration provisions were liberalized by

<sup>32</sup> Subsequently enacted as Ch. 29,936, *Laws of Florida, 1955*.

<sup>33</sup> Subsequently enacted Ch. 29,947, *Laws of Florida, 1955*. Also *Florida Statutes Annotated*, 97.021 (6) (b) requires a party primary to nominate for all elective county, state, and national offices when a party registers over five per cent of the voters under its designation.

<sup>34</sup> Subsequently enacted as Ch. 29,936, *Laws of Florida, 1955*; for earlier provision, see

providing that registration books may be placed in precincts during certain periods.<sup>35</sup> The party circle type of ballot and party lever on the voting machine by county option was likewise proposed.<sup>36</sup> An alternative, to eliminate statewide the circle and single lever for all unopposed candidates in general elections, was adopted.

## V

The senior author and Stephenson registered as lobbyists<sup>37</sup> and presented the entire program to the House Election Committee on April 6. The reception was favorable, both by the committee and by the press and public.<sup>38</sup> However, the bill was sufficiently complex that a number of sessions of the House Committee were devoted to consideration of it. The presidential preferential primary section (subsequently a separate bill as H.B. 1584, S.B. 1130) was never in question. The provisions designed to limit campaign costs were also unquestioned. Certain changes in registration procedures were approved. Finally, the sections increasing party funds by turning over to them the filing fees of candidates in the primaries were also approved.

On the other hand, opposition resulted in the elimination of:

1. Any strengthening of the party loyalty oath for candidates or voters.
2. The provision to make the state committees of the parties more representative of population.
3. The party column ballot.
4. The change of primary dates.<sup>39</sup>

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Elston Roady, "Florida's New Campaign Expense Law, and the 1952 Democratic Gubernatorial Primaries," this REVIEW, Vol. 48, pp. 465-76, at pp. 465-66 (June, 1954).

<sup>35</sup> Subsequently enacted as Ch. 29,934, *Laws of Florida, 1955*.

<sup>36</sup> The omnibus law, H.B., 1204, was 62 double-space legal pages long. It was introduced on May 11, 1955 by H. T. Cook, chairman, and other members of the election committee in an effort to get something in print for public hearings. For summary see Florida Legislative Service, *Summaries of House Bills*, Tallahassee, May 11, 1955.

<sup>37</sup> The Florida law and Florida Senate Rules have no requirements for lobbyist registration. The Florida House Rules require such registration of all those who appear and testify before any House committee. The senior author appeared eight times before the committee; Stephenson appeared innumerable times and worked with the House Committee and the bill drafting section of the Attorney General's office continuously in Tallahassee for the last four weeks of the legislature. In addition, both worked with the Senate Committee headed by Senator J. C. Getzen, and the Senate sub-committee headed by Senator George Tapper. Among the House and Senate members who were delegates to the 1952 Democratic Convention there was strong support for the presidential primary bill. These included the Chairman of the Florida delegation, former House Speaker Farris Bryant, Rep. J. A. Boyd, and Senator John Rawls.

<sup>38</sup> For editorial comment see, for example, *Tampa Tribune*, April 8, 1955; Ft. Pierce, *News-Tribune*, April 8, 1955; Ocala *Star-Banner*, April 17, 1955; and feature article in *St. Petersburg Times*, June 13, 14, 15, 1955.

<sup>39</sup> This provision backfired. At one stage there was favorable report on Florida HJR 260 to shorten the campaign by moving all general elections except the vote for President to the third Tuesday in June, retaining the primary dates in May. This constitutional amendment was dropped when it was found to be contrary to federal law covering the election of senators and representatives in Congress.



5. The prohibition against party officers serving as paid polls officials or as deputy sheriffs on election day.

Once these sections were stricken from the omnibus bill, Stephenson reassembled it over a weekend as six different bills, which were introduced in the House and Senate on May 24, 1955, ten days before the end of the session.<sup>40</sup> The Senate passed the bills on May 30, 31, and June 1. The Presidential Primary Bill, S.B. 1130, was adopted by a vote of 34-2. In the House all bills were passed on the night of June 2. One amendment to S.B. 1130 to strike sub-sections (2) and (3) was proposed by Republican Representative Fred Petersen but was overwhelmed. Thereupon the bill passed by a vote of 77-2, with the Republican vote divided between the YEAS and NAYS.<sup>41</sup> The House accepted without question the assurance of its Elections Committee Chairman, H. T. Cook, a representative of 20 years' experience without whose quiet and powerful assistance the legislation could not have passed. The Governor signed the presidential primary bill on June 18 and the other bills on June 20.<sup>42</sup> The State Committee's program died on the calendar, by understanding within the House Elections Committee, since all its provisions except the candidate and voter loyalty pledges had been incorporated into the six bills.

## VI

Since enactment of the Florida presidential preferential primary law, national reaction has been generally favorable. In the *New York Times*, Arthur Krock considered the law "... a great improvement over any other now in effect." He also pointed out that "Florida's new law is derived from a five-volume study which the Brookings Institution made for the American Political Science Association."<sup>43</sup> In this last statement, there is a certain degree of elipsis.

Senator Paul Douglas in a letter to W. F. Stephenson said:

"... It is easily the best presidential primary bill in the United States and should serve as a model. I suppose that the absence of a formal pledge to stick by the candidates approved in the primary will not be a serious detriment in Florida, although I think in some states it distinctly might be. The same issue came up about 1912 in some states in the election of Senators by the State Legislatures, and as to how binding a popular and advisory vote was to be. . . ."<sup>44</sup>

Congressman Charles Bennett has also stated:

"The Florida legislature recently took a forward step in the art of democratic government. It enacted an improved presidential primary statute which pioneers in a number of re-

<sup>40</sup> See *Florida Senate Journal*, May 24, 1955. The bills were: S.B. 1130 (H.B. 1584 companion bill), presidential preferential primary; S.B. 1131 (H.B. 1591) registration procedures; S.B. 1132 (H.B. 1588), filing fees to state committees; S.B. 1133 (H.B. 1589) campaign expenditures and contributions; S.B. 1134 (H.B. 1590) changes in primary and general election ballot forms; S.B. 1157 (H.B. 1587), filling vacancies in party nominations. For summary see Florida, Attorney General, *Summary of Election Law Changes Made by 1955 Legislature* (Tallahassee, June, 1955).

<sup>41</sup> *Florida Senate Journal*, 1955, May 30, 1955 p. 1.90; *Florida House Journal*, 1955, June 2, 1955, p. 1955.

<sup>42</sup> Telegram, Governor LeRoy Collins to Daurer, June 21, 1955.

<sup>43</sup> July 8, 1955, p. 22, col. 5.

<sup>44</sup> Douglas to Stephenson, July 11, 1955.

spects. This statute may be the model for similar statutes in other States which share Florida's objective of giving the American people more voice in the nomination of candidates for President and Vice President."<sup>45</sup>

Governor Leroy Collins, in a statement on July 27 to the meeting of the National Municipal League, thanked Paul David and Richard S. Childs for their aid and stated that if the experience of Florida is favorable, he hopes that the law may be useful to other states.<sup>46</sup> At present the Florida law is also under consideration as a model law before the Subcommittee on Elections of the Drafting Committee of the Council of State Governments.<sup>47</sup> Finally, as to potential use of the law, while the filing date for candidates for the 1956 primaries does not close until noon March 6, contests between opposing delegate slates are developing in both major party primaries. Stevenson and Kefauver have begun campaigning in Florida in the Democratic primary, and there has been discussion that a conservative Democratic slate might also be entered. In preparation for the Republican primary Senator Knowland has appeared in the state, while the party's state committee has announced the entry of a slate of delegates pledged to Eisenhower.

Both Senator Douglas and Congressman Bennett continue to criticize the system of separate state primaries, however. Douglas also still feels that the pledging of delegates by law is important. Both he and Bennett desire the uniformity among states which their law would encourage. Bennett likewise believes that: "Without . . . Federal legislation, each candidate would continue to enter the primaries of the states in which his chances of success would be best."<sup>48</sup> No law of a single state can, of course, assure the uniformity desired by Douglas and Bennett. However, Senator Douglas' objections concerning the pledging of delegates do not seem very serious. An active presidential candidate, who has an organization in a state, would find it more advantageous to have selected a slate than to have a pledged slate which he does not select.

There is, finally, the traditional objection that the presidential primary weakens the party organization in a state. The answer to this objection is that the Florida law does provide for the closed primary. It should help to draw lines between the parties by assuring the Republicans of an additional reason for registering in the Republican party. They may expect to have more real contests in their primaries. Moreover, the law assumes that the choice of presidential nominees is a matter of vital concern to the party members as a whole. Furthermore, the Florida preference primary continues to operate within the framework of the national conventions. It assumes that conventions will be more representative and can therefore make the strongest choice for the party leadership. If the preference primary enables the convention to make a better choice, parties will in the future be more effective than they are today.

<sup>45</sup> *Congressional Record*, July 13, 1955, Vol. 101, pp. 8997-98.

<sup>46</sup> Press Release to National Meeting of the League, July 27, 1955.

<sup>47</sup> This committee has as its chairman Mr. Willoughby A. Colby of New Hampshire, and one of the members is Mr. Charles Tom Henderson, Assistant Attorney General of Florida. David to Dauer, Oct. 21, 1955.

<sup>48</sup> *Congressional Record*, July 13, 1955, Vol. 101, p. 8998.

## EXPERIMENTAL PROPAGANDA TECHNIQUES AND VOTING BEHAVIOR\*

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During 1953 and 1954 two different experiments designed to determine the comparative effectiveness of personalized and impersonalized propaganda techniques were conducted in Ann Arbor. Although "scientific" in orientation, both of them were carried out in conjunction with the teaching of a political science course in public opinion. This not only provided a unique pedagogical opportunity but also made possible the execution of a particularly difficult type of research. In the report following the first year's experiment, the class procedure used and the drawbacks resulting from the use of students were discussed.<sup>1</sup> Here we will present the major findings and interpretations of two years of such experimental work.

Personal contact in political campaigns in the United States today receives a prominent emphasis in the thinking and planning of party strategists. Despite technological improvements in the mass media, especially television, there is today no diminution in attention to programs for personalized appeals to "get out the vote," unsystematic though such programs may often be. Successful political campaigners in recent years invariably relate their success in part, at least, to the volume of their handshaking, their extensive itineraries, and the intensity of personalized organizational work. In November, 1954 President Eisenhower made history with his initiation of a Republican "talkathon" by telephoning ten party workers around the nation just before election day. This personal contact emphasis in American political campaigns, while not as extensive nor as systematic as the alleged 100 per cent house-to-house canvassing in many British constituencies, stands in decided contrast to the impersonal conduct of campaigns in some other countries. House-to-house canvassing is frowned upon or just not done in countries like the Netherlands, Germany, and Japan. In the Netherlands this is not only because of compulsory attendance at the polls, but also because of the attitudes the Dutch people have about the propriety of certain canvassing techniques. In a recent sample survey of the attitudes of Dutch adults toward their political system, three-fifths of the respondents said it was not important to know the party

\* Ford Foundation funds of the University of Michigan which were allocated for political behavior research supported these projects. Several individuals assisted considerably in the research: Elizabeth Marvick, Dwaine Marvick, S. J. Vodka, A. A. Applegate, Irwin Goldberg, R. W. Dodge, and Sidney Beland. Appreciation is expressed here also to Ann Arbor city government officials, as well as to Professors Harold D. Lasswell, Morris Janowitz, and Theodore N. Newcomb, all of whom made helpful suggestions for the successful prosecution of the research.

<sup>1</sup> See S. J. Eldersveld and R. W. Dodge, "Personal Contact or Mail Propaganda? An Experiment in Voting Turnout and Attitude Change," in Daniel Katz, Dorwin Cartwright, Samuel Eldersveld, and Alfred McClung Lee (eds.), *Public Opinion and Propaganda* (New York, 1954), pp. 532-42.

candidates they were voting for, and less than 30 per cent thought it was a good idea for candidates to go around the country speaking and promising the people what they would do if elected. American political strategists operate in terms of quite different political action premises.

The efficacy of different types of canvassing techniques in political campaigns and the conditions under which a propaganda "breakthrough" occurs have not been clearly established. We do know more today than previously, however, about the extent of such efforts and their possible relationship to other voting behavior determinants. In the Survey Research Center (University of Michigan) study of the 1952 election the authors point out that, while the mass media are "the chief avenues by which the parties seek to reach the electorate," 12 per cent of their sample reported that they had been solicited by party canvassers on the doorstep or by telephone.<sup>2</sup> Using these data, a careful analysis of the interrelationship of party canvassing, political predispositions of the respondents, and primary group pressures was made by Morris Janowitz and Dwaine Marvick.<sup>3</sup> This analysis revealed that canvassing efforts were closely related to voter activation and, to a certain extent, were also linked to a larger vote for the party canvassing, although a "boomerang effect" was also detected. More important were the findings of differential effects for predispositional types, with "apathetic" persons staying home more than "effective citizens," despite party canvassing. These investigators also found a contrast in the effectiveness of canvassing those under concerted primary group pressure for a candidate and those in a "conflict" or neutral primary group situation. There was only limited effectiveness as a result of canvassing those already under concerted pro-Eisenhower or pro-Stevenson primary group pressure, but individuals in a conflict or neutral primary group situation had less tendency to stay home if they were canvassed. These findings indicate, therefore, certain conditions under which personalized voter activation appeals can succeed.

Certain basic questions remain, however: (1) What type of personalized canvassing is most effective, and when; and what is the extent and nature of the advantage of personal contact over propaganda efforts of an impersonal type? (2) Does the impact vary in different election contexts and types of campaigns? (3) Can the point of diminishing returns be precisely established; that is, is there a category of voters whom personal contact does not influence? (4) Is the substantive content of the appeal relevant to the effect? (5) Are other variables besides "political predisposition" and "primary group pressure" as significant for specifying the limits of canvassing effectiveness? (6) What is the cost, particularly the time-cost, for such efforts relative to success? (7) What are the implications for party success, as well as for the democratic political system? Such are the questions which it is hoped the propaganda experiments we have conducted may eventually answer.

<sup>2</sup> Angus Campbell, Gerald Gurin, and Warren Miller, *The Voter Decides* (Evanston, Ill., 1954), pp. 31-33.

<sup>3</sup> Morris Janowitz and Dwaine Marvick, *Competitive Pressure and Democratic Consent: An Interpretation of the Politics of the 1952 Presidential Election* (Ann Arbor, Mich., 1956).

The field experiment, controlled for propaganda technique, substantive appeal, and the characteristics of the propagandees, is a research tool of great value for such problems. Employed over time in a series of similar and contrasting electoral situations in a given community, it permits replication, in a qualified sense, as well as a great number of investigative permutations. It is particularly suited, furthermore, to a careful analysis of the relationship of community structure differences and unique local institutional practices and conditions, factors which the non-experimental national survey cannot introduce as well. Our Ann Arbor experiments have attempted to exploit some of these research opportunities.

#### I. THE RESEARCH SETTING IN 1954

In the 1953 Ann Arbor experiment two experimental groups were used, one exposed to four waves of mail propaganda, the other to personal house-to-house canvassing. The objectives were to activate the voter and to alter attitudes to favor revision of the municipal charter. The propagandees were purposely selected because of their lack of information about a charter revision question (which was to appear on the ballot) or because they had previously expressed opinions which were considered unfavorable on the question. The post-experiment interviews revealed that personal contact was most successful in activating people to vote and in changing attitudes, although it was difficult to isolate these two effects. One-third of the control group voted (which was the same percentage as the turnout for the city as a whole, according to the election statistics), 59 per cent of those who had received our mail voted, and 75 per cent of those who had been personally contacted in the experiment voted. (About the same proportions obtained so far as attitude change was concerned, except that only 46 per cent of the mail propagandees voted in favor of charter revision.) In addition, it was found that the personal contact group recalled the stimulus more frequently, had a greater tendency to be exposed to other media during the campaign (especially newspaper coverage), and, paradoxically, rated personal contact as less effective an influence medium than newspapers. The mail propaganda group had greater difficulty with recall, were less exposed to other media, and rated personal contact as the most influential medium.

In the Spring of 1954 these experiments were continued in connection with the annual Spring election in Ann Arbor. The general objective was to check up on our findings of 1953, but we were also interested in pushing the research further, both in the sense of coping with a somewhat different electoral situation and by introducing additional experimental techniques. We were concerned primarily with voter activation in 1954. Briefly, the 1954 experiments differed in the following ways: (1) the election and campaign situation was different; (2) the propagandees were selected differently and were a special "apathetic" group in the electorate; (3) further refinements in canvassing techniques were introduced; and (4) some variations in the substantive content of the propaganda appeal were attempted.

The Ann Arbor election of April 5, 1954 permitted voters again to elect alder-

men and county supervisors from each of the seven wards of the city in a partisan election. The voters also had the opportunity to vote "yes" or "no" on three proposals: a general proposal for the construction of a new city hall; the location of the new city hall at a particular site, "the Ann Street site"—controversial because it would mean displacement of Negroes living in that block; and a change in the retirement pay for city employees. The campaign was fiercely contested by both political parties. It was also characterized by continuous and extensive discussion of the city hall question in community groups, in the newspapers, and by radio. This issue cut across party lines to a certain extent, with the Republican mayor (who was not up for re-election) opposed by a significant group in his own party, as well as becoming involved in a well-publicized verbal battle with the Democratic city chairman over it. The city hall proposals were defeated. The Democrats increased their strength in almost all wards in this traditionally Republican community and elected an alderman in one ward which had previously been safe Republican territory. This description of the election is presented to indicate that the "attention-demanding" aspects of the campaign and election in 1954 appear to have been more numerous and intense than in 1953. Voting turnout was only slightly lower in 1954 than in 1953, despite the fact that 1953 had a mayoralty race and had the charter revision question on the ballot. Charter revision had passed by a nine to one vote in 1953; the proposal for the new city hall was defeated in 1954. In many respects the election was more competitive in 1954, especially because the issues-controversy was of a different order and more sharply delineated. The city hall controversy brought into play more obviously than in the previous year certain personal values and motivations, due to the possibility of financial deprivations and the displacement of a minority group, as well as certain environmental-change perspectives and values.

## II. THE RESEARCH PLAN AND PROCEDURE

We selected 500 individuals as our special group of "local election apathetics." This was done by checking through the records of the city clerk and taking every person living in the four precincts of central Ann Arbor who had voted regularly in the state and national elections of 1948, 1950, and 1952 but who had never voted in local elections.<sup>4</sup> These were, then, persons who had lived in Ann Arbor several years but apparently had little interest in local government affairs. They were not the hard core of consistent nonvoters in all elections, but only the local elections nonvoting hard core. This contrasted with the 1953 propagandee group, which was composed of attitudinal "indifferents" and "hostiles" on charter revision, many of whom, however, had voted in local elections. The assumption made in 1954 was that our job of voter activation would be much more difficult. The 500 persons selected, it must also be remembered, were not a representative sample of "apathetics" in Ann Arbor,

<sup>4</sup> Later we found that some of these individuals had left the city, moved to another ward, or died.

although they did reside in three wards characterized by different population and socio-economic class characteristics. This was not crucial for our experiment, however, since we were not seeking to generalize voting behavior in the city of Ann Arbor.

Initially the propagandees were divided into six experimental groups and one control group by a random assignment procedure (Table I). This was done in order to repeat the 1953 distinction between mail propaganda and personal contact while at the same time distinguishing two types of mail propaganda and four types of personal canvassing. We distinguished between "rational" mail propaganda (which made a factual and somewhat intellectual appeal) and "moral" mail propaganda (which made a "super-go" appeal and emphasized the "citizen duty" aspects of voting). The canvassing techniques which differentiated the experimental groups were as follows: one group, as in 1953, was subjected to personal canvassing on the doorstep by students of a political science class in public opinion. But since we wanted to approach more closely a "reality canvassing situation," arrangements were made for party canvassers to contact a second group. A third group was contacted by telephone in the last two days preceding the election. A fourth group not only was canvassed by students but also was sent rational mail propaganda, a technique presumably permitting us to analyze the "reinforcement" effect of the two efforts. Those

TABLE I. PLANNED AND ACTUAL SAMPLE SIZES

Group	Planned Sample Size	Actual Sample* Size
Personal Contact:		
By students	20	40
By party canvassers	20	24
By telephone	27	25
By students and mail	28	33
Total	95	122
Mail Contact:		
"Rational" mail	76	39
"Moral" mail	72	42
Total	148	81
Control	107	187†

\* The reduced size of the actual sample was the result of "mortality" in our groups, either because of failure to complete a possible contact, inaccuracy in the city clerk's records, death, change in residence, or other reasons resulting in inaccessibility.

† This figure was obtained by adding to the estimated 67 persons accessible from the planned control group 120 persons who were in the planned experimental groups but for some reason or other were not contacted. This group of 187 is referred to as the "residual" group. When it is possible to isolate the original control group, figures are given for it as well as for the residual group.

who were canvassed by party workers, we found out later, were individuals with whom the parties would not ordinarily bother. The students emphasized the rational type of appeal in their canvassing, but the line of argument used in the party canvass was not controlled as easily and may have been a mixture of the two appeals.

The students in the class devoted their spare time during approximately three months to the innumerable jobs connected with the experiment. The initial selection of respondents by using the city clerk's files took five people one afternoon. The study design had to be carefully worked out by staff and students. The content of four waves of two types of mail propaganda was decided in committees, the mimeographing or printing had to be arranged, and the stuffing and addressing of envelopes had to be done at specified times. In the meantime the content and method of the personal contact which the students were to make had to be formulated, as well as the nature of the report they were to make after each contact, and careful training for the contact job was necessary. The same was done for those students responsible for the telephone canvass. After the election of April 5th a complete check was again made of the city clerk's records and a sample of 102 respondents, selected at random from the original groups, was interviewed. This in itself took much time, for it required the preparation of a questionnaire as well as other activities associated with the conduct of a field survey. Throughout the entire research operation a staff of four graduate students worked with the course instructor. The usual problems in such a research operation arose: the "disappearance" of propagandees, the inaccuracy of official records, the difficulty of contact despite frequent callbacks, the inexperience of students, and the necessity of telescoping research into the short time of a school semester. (Even with this telescoping the students could not be properly involved in the analysis stage at the close of the semester.) These conditions suggest that caution should be used in the acceptance of the results. However, although this is exploratory research and not as "scientific" as we would like, the data are interesting and of possible value for understanding the type of problem posed here.<sup>5</sup>

### III. FINDINGS

Of primary interest, of course, was the extent to which our 1953 findings on voting turnout were corroborated in 1954 when we were dealing with a group which was politically more apathetic. Table II compares the 1953 and 1954 findings with respect to this point. Both experiments produced significant results among those personally contacted. The 1954 results are as important as

<sup>5</sup> The *chi-square* test was used to test the statistical significance of our principal findings in the 1953 and 1954 studies. The voting turnout (Table II) results of each of these studies were found significant at least at the .05 level, i.e., the probability of obtaining these results by chance is less than one in twenty. The findings presented in other tables here do not achieve this level of significance because the number of cases in most of the cells of the tables is small. The fact that larger frequencies might yield statistically significant results serves to emphasize the desirability of future replications.



those of the previous year, although only 25 percent of the personally canvassed group voted, compared with 75 per cent in 1953. It must be kept in mind that our propagandees in 1954 had never voted in Ann Arbor elections. On the other hand, the mail propaganda effort, which produced results in 1953, was a failure in 1954, relatively speaking. This was so despite the use of the same general procedure both years. Tentatively, there is evidence here that it is possible to get some of the "hard core" of local election "apathetics" to vote, but this cannot be accomplished primarily through the use of mail propaganda,

TABLE II. VOTING BEHAVIOR FOR EXPERIMENTAL AND CONTROL GROUPS, 1953 AND 1954\*

Voting Behavior	1953			1954		
	Type of Contact		Control	Type of Contact		Residual
	Personal Contact	Mail		Personal Contact	Mail	
	(N = 20)	(N = 22)	(N = 27)	(N = 122)	(N = 81)	(N = 187)
Voted	75%	59%	33%	55%	10%	6%
Did Not Vote	25	51	67	75	90	95
Total	100%	100%	100%	100%	100%	100%

\* The results of both the 1953 and the 1954 experiments are statistically significant at the commonly accepted levels. The 1953 results yield a *chi-square* of 7.6. The probability of getting these results by chance is less than .05 (i.e., less than one in twenty). The 1954 results given here yield a *chi-square* of 24.3. The probability of getting these results by chance is less than .001. Two other sets of figures might be given in the third column of the 1954 table. Of the original control group of 147 eight per cent were found to have voted. Of the 67 individuals in the control group who were estimated still to live in Ann Arbor, 13 per cent voted. The substitution of either of these sets of figures does not disturb the statistical significance of the 1954 results. If the entire control group is used, the results yield a *chi-square* of 15.1, significant at the .001 level. If the reduced control group is used, the results yield a *chi-square* of 9.2, significant at the .02 level.

of whatever type, even when the campaign is intense, widely publicized, attention-demanding, and characterized by emotionally controversial public issues. Although the activation effect of personal contact was greater than that of mail propaganda, it too was of limited success.

A second question the 1954 study sought to answer was: are differential propaganda techniques of the personal contact variety related to voting turnout? The results for each of the personal contact groups are given in Table III. From these results it appears that there may be practically no advantage of one personal contact technique over another. The voting results for the group canvassed by telephone (24 per cent) were only slightly lower, surprisingly enough, than for those canvassed on the doorstep by party workers (29 per cent) or by students (25 per cent). These results certainly need verification in future experiments.

The argument might well be made, of course, that for some reason those in our experimental group were exposed to other campaign stimuli than those in the control group, or that those who voted in each group may have been individuals who were under particular types of non-experimental pressure. In an experiment of this type the individuals are assigned to the groups randomly and, therefore, we assume randomness of exposure to a wide variety of get-out-the-vote stimuli. But, as a check, we carefully compared the experimental and control groups on several possible campaign stimuli, using the data from our post-election survey. We found a strikingly similar pattern of exposure for all groups, particularly for the personal contact experimental groups in relation

TABLE III. TYPE OF CONTACT AND VOTING BEHAVIOR

Voting Behavior	Personal Contact				Mail		Residual
	Students	Party	Telephone	Students and Mail	"Rational"	"Moral"	
	(N = 40)	(N = 24)	(N = 33)	(N = 25)	(N = 39)	(N = 42)	(N = 187)
Voted	25%	29%	24%	24%	8%	12%	6%
Did Not Vote	75%	71%	76%	76%	92%	88%	94%
Total	100%	100%	100%	100%	100%	100%	100%

to the other groups. About 86 per cent of all groups read the *Ann Arbor News* daily; 30 per cent of those not personally contacted and 39 per cent of the personal contact group listened to local radio programs; 65 per cent of the personal contact group received election propaganda in the mail from sources other than our group, while 75 per cent of the control group did; 29 per cent of both groups received telephone calls from groups other than our own; 33 per cent discussed the election with their friends; 10 per cent of both groups were political party "activists." It seems clear that randomness of exposure to campaign sources and stimuli did exist and that the results of the experiment, therefore, cannot be explained away in terms of differential non-experimental stimuli. There is strong evidence that our personal contacts constituted an experimental force which was responsible for differential voting behavior.

An analysis was again made, as in 1953, of the extent to which individuals recalled the experimental stimulus. There was obviously much more pamphlet-eering going on in 1954, since 87 per cent of our post-election sample recalled receiving mail. But it was striking again that our personal contact stimulus was recalled much more frequently than the reception of our mail—50 per cent compared to 18 per cent recalling in the relevant experimental groups. (Seventy-three per cent of the telephone group also recalled such a stimulus but we were less sure in this case that it was the call we had made.) Further, there was a tendency for more of those recalling a personal contact to vote than was true of those not remembering—38 per cent as compared to 30 per cent. The op-

posite was true for those who recalled the reception of mail—31 per cent voted, whereas 40 per cent of those not recalling mail voted.

Although those personally contacted read the *Ann Arbor News* no more than the other groups, there was a tendency again, as in 1953, for those personally contacted to be more aware of the coverage of the campaign in the newspaper. The difference was not as marked as in 1953, however, probably because of the greater intensity of the 1954 campaign. We also asked our respondents to rate the media and propaganda techniques as to effectiveness, as we had in 1953, and the pattern of response was somewhat different. The majority of all groups rated personal contact the most effective medium, which was not the case in 1953, although again those who had been personally contacted supported this technique least. This may be, ironically, a "boomerang" reaction.

A basic question in research such as this concerns the personal characteristics of those who can be influenced by propaganda pressures. Did personal contact activate only those who belong to demographic groups traditionally predisposed to vote? Although the demographic differences between those induced to vote and those remaining apathetic are not sharp, we have found some patterns. Table IV presents some of the differences found. If we compare the

TABLE IV. VOTING BEHAVIOR AND PERSONAL CHARACTERISTICS

Personal Characteristics	Personal Contact		Residual		Per Cent Difference between Residual and Personal Contact
	Number Possessing Characteristic	Per Cent of Number Who Voted	Number Possessing Characteristic	Per Cent of Number Who Voted	
Sex:					
Male	23	52%	20	40%	+12%
Female	42	24	17	18	+6
Age:					
Under 36	21	29	14	43	-14
36 to 50	14	64	8	38	+26
Over 50	26	27	13	15	+12
Home Ownership:					
Owms home	17	41	8	83	-22
Rents home	36	28	22	18	+10
Social Class (By occupation):					
Middle	35	29	22	27	+2
Lower	18	44	14	29	+15

personal contact group with the "residual" group we find that, with the exception of those under 36 years old and those who owned their own homes, voting turnout was higher for those personally contacted in all demographic groups.

We also found that voting was increased by personal contact for those with only a high school education, those who lived in small households, or lived alone, and those who had moved to Ann Arbor from somewhere other than in the Midwest. These data suggest that our experimental stimulus not only activated those demographic groups which are predisposed to vote, but also brought out some voters in the demographic groups which traditionally are less predisposed to vote. The effect of person-to-person pressures, we may conclude, was to penetrate beyond those characteristics which already predisposed persons to vote and compensate for the absence of such predisposing factors in a number of instances.

The level of "political competence"—defined here as the level of political information—of those voting under experimental pressures is another type of analysis which can be made. The important question here is: how did those who were brought out to vote by personal contact compare in competence with those in the other groups who voted?<sup>6</sup> It is evident from Table V that voting

TABLE V. VOTING BEHAVIOR AND LEVEL OF POLITICAL INFORMATION

Level of Political Information	Voted		Did Not Vote	
	Personal Contact	Residual	Personal Contact	Residual
Knowledge of Candidates:	(N = 22)	(N = 11)	(N = 43)	(N = 26)
Adequate	23%	64%	12%	11%
Medium	18	—	12	8
Low	59	36	74	81
Not ascertained	—	—	2	—
Total	100%	100%	100%	100%
Knowledge of Issues:	(N = 22)	(N = 11)	(N = 43)	(N = 26)
Adequate	64%	82%	44%	50%
Medium	—	—	19	8
Low	36	18	35	38
Not ascertained	—	—	2	4
Total	100%	100%	100%	100%

was associated with a fairly high level of competence in the "residual" group. For example, among those not personally contacted, three out of five of the voters were familiar with the candidates, while only one out of eight of the nonvoters was so well informed. Similarly, there was a high degree of awareness of the city hall issue among the voters in the group not personally contacted. On the other hand, those persons who were contacted in our experiment and who voted were much lower in political information level—three out of five did

<sup>6</sup> It should be borne in mind that political information may have been secured by those contacted during the personal contact.

not know the candidates and one-third did not mention the city hall as an important issue. Thus we seem to have an interesting dilemma. Our personal contacts, since they were more effective in bringing out the vote than any other technique, appear to have induced some competent and well-informed people to vote who otherwise might have stayed home, but also brought out to the polls some who were very poorly informed. Although the number of cases we are dealing with here is small and the findings certainly tentative, this is a result which cannot be overlooked.

The attitudes of those influenced to vote are also interesting. Our analysis indicates that personal contact brought out as voters those who held favorable views as to their political efficacy. We asked several questions in the post-election survey designed to determine the respondents' feelings about the worthwhileness of voting, the importance of elections, and the efficacy of participating in the political process by such means as writing public officials and working for political parties. We found that two-thirds of those personally contacted had optimistic attitudes toward voting efficacy while only about half of the others did. (This difference may be a result of the contact itself, of course.) Of those who were optimistic, there was a slightly higher tendency for them to vote if they had been contacted (38 per cent) than if they were not contacted (30 per cent). There was no evidence that personal contact had any differential effect on those who were cynical or pessimistic. We did find, however, that personal contact brought out a larger percentage of people who had unfavorable attitudes towards Ann Arbor's local government. About 37 per cent of this sample of apathetics had such attitudes. Personal contact brought out a little better than one in three of these people, while only one in five of this group voted among those not contacted.

#### IV. CONCLUSIONS

We have secured evidence from our experiments, admittedly exploratory and tentative, that the impact of propaganda techniques to get out the vote varies with the electoral context and the nature of the group on which influence is exerted. The consistent nonvoters in local elections were more resistant to pressures of this type than the 1953 experimental group, which included many who had voted in local elections. It would probably be still more difficult to activate consistent nonvoters in all elections. Yet, under certain circumstances these apathetics can be brought to the polls. The personalized approach seems more effective than mail propaganda, whether the latter is of an informative, "rational" type or of a "moral" type. It seems to make little difference what variety of personal contact is made. The people who are induced to vote by personal contact come from both the traditional nonvoting and the voting demographic groups. They are often individuals with little political information, although they may be quite critical of local government. It must be said in their favor that they are usually optimistic about the efficacy of political participation. They also tend to be more exposed politically to other media and more sensitized to campaign controversy than those who are contacted and do

not vote. Some of these attitudes, however, may be derivative effects of the personal contact. The time-cost factor is fairly high for such a propaganda operation. The 50 students in the public opinion class, plus four staff members, devoted an estimated total of 400 hours, exclusive of class time and the post-election work, to the experiment. This effort was necessary to bring out 39 individuals among 203 experimentally contacted—an average of approximately ten hours per propagandee successfully induced to vote.

It seems from this that the popular base of local democracy can be broadened by such efforts, an important conclusion for a community like Ann Arbor, where ordinarily no more than a third of the eligible voters participate in local elections. And it is possible in this process of personalized influence to bring voters who are informed and accept the necessity and worth of such participation to the polls. It is more likely, however, that these people will not be well informed and politically aware unless more educative work is done in the personal contact. This suggests that the "deliberative" aspects of the democratic election process are not always and necessarily maximized by bringing out the vote through personal contact. Such techniques may result in elections of a more highly manipulative character.

Furthermore, certain limits seem to be suggested as to the effectiveness of personal contact, although these limits are difficult to specify. Those in the potential electorate who are in the lower socio-economic classes, who have not developed real roots in the community, and who are pessimistic about the worthwhileness of political action are most difficult to activate, even though we had some success with these in our experiments. There is some evidence also that those who have favorable, perhaps *status quo*, attitudes towards local government, and who possess some of the above characteristics, resist such personalized pressures. Additional verification of the relevance of these factors is necessary and additional factors, too, need to be explored in future research. For the present, the possible dilemma facing voter activation enthusiasts and advocates of compulsory voting should be clearly recognized. Mere mobilization of voters may take place, adequate deliberation over candidates and issues may not result, and thus the "democratic consent" aspects of the election may be jeopardized.

## THE ADMINISTRATIVE STAFF COLLEGE: EXECUTIVE DEVELOPMENT IN GOVERNMENT AND INDUSTRY\*

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The most interesting educational experiment in the world today for the student of comparative administration and business and government is the Administrative Staff College at Henley-on-Thames, England. This College is pioneering the methods which, in any industrialized nation, are needed to restore the flexibility and initiative that must always accompany free enterprise. The College also provides a new approach to leadership training in that enrollees are recruited in fixed proportions from public and private employment by a method that produces balanced management teams among the members (as the "students" are called), and the teaching procedure stresses group work and self-instruction rather than formal lectures.

This original venture, headed by Princeton-trained Noel F. Hall, was founded in 1946 and opened in 1948. Already it is being imitated in widely scattered parts of the world. Henley has turned out some 1,500 policy administrators of the average age of 39, all of whom had been tapped for higher responsibilities by their employers—who incidentally foot the bill—before going to Henley for the three months' session. Each session—there are three a year—is limited to 60 members; six of the 60 members may be drawn from overseas and the rest come from private business, the central civil service, local government, the nationalized industries, and banking. If Henley succeeds, even in a measure, in overcoming the depressing effects of bureaucracy and if it succeeds also in turning out leaders in both business and government who understand public policy and the power to govern, it will have gone far toward solving the problem that Adolf Berle calls the dilemma of modern capitalism,<sup>1</sup> which, he argues, cannot survive if we do not soon master the "power to govern."

The Henley program is also attempting to solve another problem that has long perplexed political scientists: how to articulate policy and management so as to produce a blend. The College gives almost equal consideration to techniques of management and to issues of policy decision, combining them in such a way that even the labels are kept from sight. This is done by stressing a series of familiar situations in which administrative and public policy issues are in the nature of the case so intertwined that it would take a forced interpretation to separate them.

\* This article is the result of two stays at Henley, in 1952 and in 1954. On the second occasion the Principal invited me to join the staff of the College for the three months of the Fall session in order to participate as general observer of the College program and as adviser on research. The assignment also involved conferences with university and management people in various parts of England. I am deeply grateful to my hosts for their generous assistance.

<sup>1</sup> See his *The 20th Century Capitalist Revolution* (New York, 1954), pp. 15-16.

## I

Before turning to the objectives, the methods, and the results of this interesting experiment in leadership training, a word may be said about the need that evoked this response.

As specialization and hierarchical organization increase in scope and as business administration becomes more and more political—that is, concerned with policy decision, group relations, and institutional influence and survival—the bureaucratic problems and executive needs of business and government become increasingly alike. The study of power and public policy becomes as important for the business corporation and the trade union as for the politically organized state. In all major governing institutions a central difficulty is how to balance the potential efficiencies of careful planning and logical organization against the equal need for individual initiative and institutional flexibility and responsiveness.

Already in the 1930's top business executives in the United States were concerned with the inherent nature of bureaucracy, the possibility of exceeding the optimum of size and managerial capacity, the stultifying effect of seniority promotions, and similar evidences of institutional arteriosclerosis.<sup>2</sup> In the twenty years since then the continued growth of giantism, combined with a drying up of new sources of executive leadership from smaller enterprises, has forced large institutions to train from within or lose their drive. This is the background need out of which the Henley program grew immediately after World War II when Britain, battered by war and anxious about her economic future, began to devote to reconstruction the same kind of quiet determination and resourcefulness that she had demonstrated during the war.

Henley's chief concern is to see that initiative and enterprise are fostered and that this élan is carried over into the civil service and the nationalized industries as much as into domestic and overseas trade. Although concerned with techniques and practicalities, the Henley program stresses more than do most courses in this country the importance of public policy, the public interest, the idea of a growing political economy, the importance of character, the values of a civilization; at the same time—and perhaps this is a necessary consequence of the above—the College pays less attention to manipulation and personality as determiners of administrative results.

The seed out of which Henley grew was a long time germinating. It was in the minds of men like Sir Hector Hetherington, for example, who, a year before the College was announced, stated his views concerning the need for such a civil leadership academy in an article in the *London Times*:

. . . Administration is not an end in itself. The Administrator's business is to provide the conditions under which the work of a team can come to good effect in the achievement of some co-operative purpose. . . . Every enterprise calls for the capacity to hold in mind a total and perhaps distant situation, to plan ahead imaginatively and firmly and yet with

<sup>2</sup> Howard Hyde and I dealt with some of these problems in Temporary National Economic Commission Monograph No. 11, *Bureaucracy and Trusteeship in Large Corporations* (G.P.O., 1940).



the necessary margins, to assemble in the right relation and at the right time diverse managerial and human resources, to take consistent decisions on points of detail and, indispensably, to see that junior executives in the several spheres know how to do the same. In these things there is an order and a technique which are not simply gifts of nature. Training helps.

Moreover, continued Hetherington, a skilled administrator is the product of the conditioning factors of a lifetime, early as well as adult. What then is the special virtue of a concentrated and high-level training program when a man is, say, 35 or 40? After recruitment and early experience in administration a new stage and a new problem emerge in the development of the individual:

A time comes in eight or ten or fifteen years, when, having learned and practised his calling, a man does well to cease for a little from action, and to think what he is doing and why and how he is doing it. That is apt to be the most fruitful educational phase of all. The best thinking springs from practice, and a man who by thinking has more thoroughly possessed himself of what he is and does is ripe for great responsibility.<sup>2</sup>

A special virtue of the Henley program is its recognition that government and business leaders must be trained in common problems of policy and administration if they are to understand each other and take independent but consistent action designed to further the common interest of the nation. In the United States, on the other hand, we have all too often assumed that the best way to keep free enterprise free is to train businessmen and government officials separately, as though they were two distinct, opposed, and antagonistic breeds of animal requiring differing settings and indoctrinations. I feel sure that sooner than we think we shall find our assumption false and turn to the alternative approach. Again quoting Hetherington:

The College ought to be a meeting place of the two main categories of administrators—the officers of the private and of the public service. In future, as increasingly during the war, they must work together. It is important that they should understand the very different responsibilities which they carry. Much frustration will be saved thereby. It is even more important that each should acquire, so far as may be, the characteristic virtues of the other, and know its own characteristic defects. That is the way of amendment. For the final objective of all this enterprise is not theory, but better practice directed to the fuller service of the public interest. That is how the Administrative Staff College will be judged, and how it will wish to be judged.

Each side has something to offer to the other; together they have a common need and a common purpose. After seeing equally keen civil servants and top business executives adjust to each other and come to respect each other during a twelve-week term, I came away from Henley with the firm impression that this is one of the most valuable achievements Henley has to offer.

## II

Henley is strictly a residential program. Its large manor house, called Greenlands, situated on the banks of the Thames not far from Oxford, supplemented by other dormitory and recreational buildings and all set on a beautiful

<sup>2</sup> London *Times*, Nov. 7, 1945.

estate away from the bustle of business and traffic, was purchased from the third Viscount Hambledon. The twelve-week course is a seven-day-a-week program making it almost necessary for its members to forget all about the office, wife, and children, and to become fully absorbed in the intellectual and social life of the institution. At the end of each three-weeks' period, however, a long free weekend makes it possible for members to go home to catch up on their business and family affairs. The remoteness of the place and its self-contained character are essential features of the Henley plan.

Within these congenial surroundings a great deal of hard work is done. Henley may have the outward trappings of a country club but, except for free recreation time in the afternoons devoted to walks, sports, informal conferences, reflection, and reading, what goes on at the College is hard, concentrated work. It is no nine-to-five affair. There are three group-work periods each day—two in the morning and one in the late afternoon—and on four evenings of each week there is something on from 8:30 to 10.

The College is supported entirely by private funds from business institutions and individuals and from the fees paid by employers on behalf of the members, which at present amount to £300 per member. Most of the funds required to buy the property and to make up the difference between a £300 fee and a £350 cost per member are supplied through seven-year covenants under which contributions are partially tax-exempt. So far as fees are concerned, members from the public service are on an equal footing with those from industry.

The College is a non-profit-making corporation run by a Board of Governors, who in turn employ the Principal. The Governors are drawn widely from business, governmental, educational, and ecclesiastical life and the College has succeeded in keeping free from political, social, and economic bias. It has not succeeded in officially interesting the trade unions in its program (although this was part of the original plan) but it has compensated for this loss by getting a number of prominent trade union officials to participate as consultants and official visitors.

Executive development courses in the United States are generally for a shorter term than the one at Henley and it seems clear that the longer period is one secret of Henley's success. A "quickie" may impart information but is unlikely to change attitudes or to ripen one's reflections and insights. The test of a program like Henley's is the changes that occur in individuals which, if not strictly measurable, are at least observable to colleagues and office associates. It is usually when only two or three weeks of the course are left that these changes become apparent, and in most cases the fastest period of growth occurs during the tenth week.

The men and women (there have been some women) who go to Henley are not seeking degrees, because none are given. They are not even seeking academic achievement as a means to promotion, because most of them have already been marked for promotion and all are expected to return to their employments. Having eliminated these incentives to effort, it is plain that motivation must come from the felt need of the member, seconded by his

employer, to share what the College has to offer. And because of the thoroughness of the recruitment and interview method used, no member is chosen unless he personally wants the experience and is prepared to work at it.

There is no magic about the number 60, but this total for the student body is probably about right. It makes possible individual attention and good social relationships, and at the same time affords adequate representation from the main working groups and administrative specialties of modern-day society. A group of 60 also allows for six syndicates<sup>4</sup> of 10 members each, and in each syndicate there is a cross-section of skills. Let us see what this means in terms of practical detail, because the build-up and structuring of the session are distinctive features of the Henley program.

In each session there are 30 places for representatives of commerce and industry and 30 for the public services, the nationalized industries, and banking. The 30 places in the first category are parcelled out 15 to large corporations, nine to small ones, and six to the distributive trades. Those in the second category of 30 include six for the central civil service, two for local government, two for the fighting forces, six for banking, and eight for the nationalized industries.

Now bear in mind that each syndicate of 10 must be so constructed as to reflect work specialties and not merely the segments of the economy just listed. The number of members in each skill category is 15 for higher and general management, 18 for factory and works management, six for research and development, nine for commercial and selling, six for controllership, six for financial, and six for overseas. Except for those in the last group, all are carefully analyzed in advance as to their specialized skills. All the other skills that one might think of, including personnel managers, purchasing agents, budget officers, public relations directors, and the like are represented in the major classifications mentioned above.

Why is it done this way? Consider the objectives of the program and the answer appears: to make possible in each syndicate a balanced management team drawn from the main segments of the economy. Thus, in the deliberations of each work group all of the skills found in an actual management situation are brought to bear on each problem taken up by the group, thereby providing a working equivalent of what is found in actual administration.

The basic strategy is to improve the skills that specialists already have by making the specialists more perceptive, and at the same time to retool and broaden these men so that they will acquire an additional skill in general administration, where the test of fitness is an ability to analyze the diverse elements that enter into policy decision and to synthesize the work of experts.

The College attracts a superb mixture of people, and I stress mixture on purpose. To begin with, they are not all, by any means, university graduates; in fact, the percentage of such graduates in the first 21 sessions varied from one-fourth to one-half of the whole membership, with the average about one-

<sup>4</sup> A term brought into use during World War II by the armed forces when men were trained for special missions in small groups.

third. Moreover, all kinds of personalities are included, from the rather dour scientist who needs to be "brought out" to the somewhat flamboyant sales manager who must be "toned down." As a matter of fact, these differences in educational background, character, and temperament are looked for when the Principal and his associates undertake to build up a balanced membership for a particular session.

Henley sets out to leave its stamp on the men who go there by finding out in advance what each individual's weaknesses are and at what points he needs to be strengthened. Indeed, skill in recruitment and in counselling are additional reasons for Henley's success. The Principal has absolute freedom as to whom he shall choose;<sup>5</sup> those who make financial contributions know this and respect his independence and judgment. Finally, there is a carefully thought out plan for each syndicate and for each member in it because only as this is painstakingly done in advance can the College make its full impact on a man's attitudes and his combination of executive traits in 12 weeks. It is partly for this reason that the enrollment is kept small, an important respect in which Henley differs from most American experiments in the same field.

### III

Although there are several distinctive and imaginative features about the Henley program, probably the most original is the teaching method, which is highly diversified. The main feature is the use of the syndicate of 10 members. Each syndicate operates under the chairmanship of one of its members, a different chairman and secretary being appointed by the College for each separate subject in the course. At some time during the session, therefore, each member has the experience of chairing a project and of presenting and defending it before the entire membership of the College, usually at an evening meeting. He is given his assignment by the faculty in the form of a brief, works on a fixed time schedule, and must supervise the preparation of a written report representing the consensus of his syndicate.

What happens within the syndicate is a major aspect of the Henley program. Everything revolves around it. It is here that one must go to see attitudes change, men learn to accommodate themselves to each other, men who make good first impressions turn out to be lacking in other respects, and vice versa. Each syndicate has its own room. Briefs are prepared by the teaching staff, and

<sup>5</sup> The selection process, in brief, is as follows: After a business firm or a government department makes the nomination and the papers on the candidate have been received, the Principal usually talks in person with the employer to find out why he wants to send the man at that particular time, what the candidate's promotion prospects are, something about his qualities, and so on. Next, the candidate visits the College for interviews which may last most of a day, a technique that has been developed to a fine point. At this stage the Principal and his colleagues also consider such questions as: How would this man fit in with the group? How would he get along with the faculty member assigned to the particular syndicate? Would he make a good chairman of a project and, if so, should it be a major one or a minor one and should it come early in the session or late? So far as possible, nothing is left to guesswork or to chance.

mimeographed materials by the research staff. There is an excellent specialized library. The services of consultants from the outside are made available, and field trips are sometimes arranged in connection with particular subjects.

There is also a certain originality in the recruitment and functioning of the faculty at Henley. There is one directing staff member, so-called, assigned to each syndicate, but he sits at a small table in a corner of the room, not at the roundtable where the chairman presides. The staff member rarely speaks unless the chairman calls on him or unless he thinks the discussion is getting off the track. And yet, modest as his role appears to be, the staff member makes or breaks the plan because the faculty decide the grand strategy of the course, prepare the briefs and working materials, study and influence the individual members, and at the end help to evaluate them as only men can who work together, drink together at the College bar, take walks around the College grounds and the countryside, or go off with a syndicate after hours.

The directing staff come from almost as mixed a background as do the members themselves: a former official of the Indian Civil Service, a former works manager, a former personnel manager in a large London establishment, an ex-Army officer who later saw service in Washington with the combined chiefs of staff and was Military Secretary to the Cabinet, a civil servant on loan from the Board of Trade. But all have in common a knowledge of and interest in the field, practical experience, skill in sizing up men and working with them. They are not, generally speaking, the so-called academic type and for that reason some university people are critical of them. Nevertheless, as Elton Mayo would doubtless have said, the directing staff have the combination of social skills needed for their type of work.

The faculty is small because a large one is not necessary when in each session some 40 outside experts are brought in to meet with the syndicates as consultants. The chairman of each project and the syndicate members know as soon as a particular assignment is received that a particular expert is coming on a certain day at a certain hour, and they are told in what his expertness consists. Hence the job of the syndicate is to decide in advance just what help they want and the result is a give-and-take, not a lecture.

There is much merit in this group method of self-instruction. To begin with, it teaches the chairman to draw on the skills of his own syndicate and the outside specialists and to work to a deadline. It forces the members to draw on their own resources and to overcome their own difficulties. It gets away from spoon-feeding and encourages originality, innovation, and dissent. But most of all it teaches men, through long hours of knock-down-and-drag-out discussion, to respect each others' opinions, whether they represent private or public employment backgrounds and no matter what the conceits of the different skill groups may be. Sit in a syndicate, as I have, and you can trace the decline of aggressive behavior and the growth of understanding based on a knowledge of common concerns. After about the third week the brassy sales manager of a large commercial outfit finds himself saying, "I hadn't realized it before but those people in the civil service, they're up against pretty much the same

problems we are." Or at the College bar before lunch one overhears a civil servant say to another, "You know, that Jones, with International Brass, he isn't a bad fellow at all; those men who didn't go to university have something we could use." Or a nationally-known scientist at the end of the tenth week remarks, "I believe there's something to this administration business after all, even if it isn't an exact science."

All features of the Henley program are carefully tied in around group work. There are two sets of lectures, for example, one by the Principal on money and foreign exchange leading up to a project on export markets, and a second by one of his colleagues on the use of financial data as a tool of executive planning and control. There are also occasional evening lectures by outsiders. Again, twice during the session each syndicate reports on the biography of some well-known person, the idea being to try to identify the characteristics that made him a successful leader. Cases also are used in dealing with particular problems, some being recorded and personally observed and investigated. Thus in the section of the course dealing with technological change, a syndicate may visit a town 30 miles away to study at first-hand how a firm adjusted and survived when India developed its own calico industry and employed modern methods. Sources of current information also are emphasized to encourage the systematic use of tools like *The Economist*, *The Times*, and professional journals. In short, the attempt is to achieve a balance by using a number of methods, all centering around the syndicates working on a series of major problems eventually reported on in oral presentations before the whole membership and faculty. Unity comes from the subject-matter, not the method.

#### IV

It is simple enough to set forth the course outline, but harder to explain the subtleties and purposes behind it. Moreover, if one starts by saying that the course is in 17 parts, that sounds like good solid information. Actually the use of the figure is likely to mislead because no part is separated from the others. Noel Hall has said that "there are seventeen parts that look to be discontinuous, but it is of universal experience that round about the tenth and eleventh week of each session, the men begin to see for themselves that there is an intellectual plan and that all these parts are converging to a general dovetailing towards the last ten days of the session." I must confess that I was skeptical about this claim until I saw it made good.

What is the unifying element in this general dovetailing? Although it is hard to put into words, I think it is best described as "dynamic economy." By this I mean an attempt to get men to think about what is involved in keeping the individual administrator, the individual business, and the economy as a whole from becoming traditional and stagnant. At this point I could reproduce the official course outline<sup>6</sup> and let it go at that, but let us see if we cannot get behind that formal presentation.

<sup>6</sup> The main parts of the course are comparative administrative structures, internal organization and administration, external relations, constructive administration, and con-

As a mature executive about to graduate into top management, the member at Henley is encouraged to become progressive-minded by a series of four steps: First in his syndicate he looks at his own job to see if he really understands how it relates to the whole operation, and how he might improve his cooperative relationships. Second, while remaining in his own syndicate, he temporarily joins a specially-constituted "specialist" syndicate, where experts in his own field—personnel, finance, or something else—work together for two or three weeks on a subject that closely concerns them, and where he is asked such questions as, "Do you see how you could have been more effective if you had realized that other specialists don't fully understand and appreciate you, or you them?" Third, he is induced to take a look outside his own employment (this is called external relations) to see how group relations complicate policy-formulation and decision-making; how consumers, organized labor, and businessmen divide into separate interests that must nevertheless learn to work together and develop something more rational than antipathy if each is to prosper and the public interest is to be safeguarded. Fourth and finally, this maturing administrator is encouraged to think about what can be done to make himself, his firm, and the economy more dynamic. This requires a hard look at technological and economic change, at human relations in administration, at the need to utilize the services of researchers and scientists more effectively than in the past, and at the need to strengthen world trade because in Britain, at least, world trade is the key to national prosperity.

Another source of unity in the course is that the syndicates usually work on three or four different projects simultaneously instead of completing one before undertaking the next. Consequently, each day's work must be divided up under different chairmen and the members must turn from one subject to another just as all executives must learn to do. And because they are working on so many subjects, the main problems running through all of them tend to stand out clearly. For example, the first item under the course heading of internal organization and administration is called management of the individual and deals with personnel policies and practices. One of these policies relates to collective bargaining and the role of trade union. Is this an administrative problem or a policy problem? Obviously it is both, but most of the policy aspect of it is reserved for discussion under another part of the course where the role of

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clusions. Comparative administrative structures is used largely to break the ice and get things started. The subheads under internal organization and administration are management of the individual, the structure of organization and interrelation of departments, delegation, control and accountability, and organization for production. The subdivisions under this last are dealt with by so-called specialist syndicates and are related to works management, research and development, office services, management accounting, and the personnel department. The section on external relations deals with commercial relationships (consumers, purchasing, sources of finance, trade associations), organized labor, central government, and local government. Under constructive administration come sections on adaptation to economic change, adaptation to technological change, and imparting and maintaining vitality. Finally, the part called conclusions usually deals with some immediate practical issue, especially foreign trade.

organized labor comes in for full-dress treatment. At that point the question arises: "Must labor unions necessarily divide and weaken the unified responsibilities of top management, or can this difficulty be surmounted by a wise use of work councils?" Thus the focus shifts back again to organizational and administrative matters.

What kind of issues are presented to the syndicate for study and report? Some are major, some seemingly minor, but even the minor ones assume importance when they relate to the central theme of how to remain progressive and achieve a dynamic economy. How can a particular department of a business be induced not to encroach on the work of others and to center on its own main show? Which recent employment practices have improved morale and which have not? Should the state continue to provide financial incentives to industries to locate in unemployment pockets of large cities? How can highly centralized industries like the Coal Board be helped to decentralize, if they should? Is the enforcement of the monopolies law too slow and can better methods be devised? And in what respects have foreign competitors outdistanced British firms in the competition for world markets?

The working briefs on each subject are detailed and precise and each is accompanied by a select bibliography and materials extracted or prepared by the research department of the College. In general the subject of each brief is a large one but the members must make it as concrete as possible by applying assumptions gained by their past experience with actual situations. The result is that in the remarkably short time available some syndicates have written excellent case studies relating to actual firms and particular situations. When 60 promising men, each with from 15 to 20 years of experience, pool their knowledge, as the syndicate method enables them to do, it produces quite a respectable body of experience and turns up some practical problems where the principles emerge from the context. Finally, each project culminates in an oral presentation before the whole College in one of the finest forensic demonstrations one is likely to witness anywhere. It is truly amazing to see the character and leadership traits that emerge from this carefully planned but spontaneous discussion.

## V

The connection of the members with the Administrative Staff College is not entirely over when they leave Henley. They will have had personal conferences with the Principal, who does not shrink from plain talk in the few cases where this is desirable. He and the directing staff will have discussed in detail the work of the session and the performance of each member, and there is frequent unanimity in their conclusions. There is no degree, certificate, or diploma, but the Principal does generally report orally to each employer on the progress of the member in whom he is interested.

On leaving Henley each member may thereafter belong to an association of former members in his own community, a series of clubs that have spontaneously appeared as the "graduates" multiply. And some 15 months after a class



has gone out, the members return for a two-day refresher session at the College where a nearly 100 per cent attendance is the rule. This session revolves around a definite theme, often relating to a major problem previously considered.

The College is now in process of adding to its follow-up and extension work. Encouraged by the fact that former members wish to go on discussing subjects studied at the College, the faculty are considering a number of activities that might be undertaken by the various club groups without detracting from the main show. There might be a newsletter, for example; the publications of the research department could be sent out to all ex-members; prominent speakers from at home or abroad might be routed to a circuit of clubs; and informal steps are already underway to establish cooperative research relationships with teaching and research programs of a similar character in the nation's universities.

The program at Henley will be interesting to watch. Administrative skills differentiate countries as much as do differences in resources. "The British," said Sir Hector Hetherington, not immodestly, may reasonably suppose themselves to have some natural talent for administration," a typical understatement about a nation with some 200 years of capitalist experience behind it. What may be even more significant is that since World War II, Britain has staged an economic revival, a recrudescence of enterprise that transcends party divisions. In all classes and circles there is agreement with Sir Oliver Franks who, in his Reith Lectures, remarked that "Towadays part of the definition of nationhood is industrial development. . . . Perpetual innovation, this ever-repeated assertion of man's power over nature, has an absolute value. . . . These activities are the triumph of the spirit of man." This is the same spirit I found at Henley.

<sup>1</sup> In "The Will to Greatness," *The Listener*, Dec. 13, 1954, p. 1357.

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## BIBLIOGRAPHICAL ARTICLE

### A SURVEY OF THE BACKGROUND MATERIAL FOR THE STUDY OF GOVERNMENT IN FRENCH TROPICAL AFRICA\*

#### I. INTRODUCTION

The French territories in Tropical Africa with which this article is concerned are the so-called Federations of French West Africa and French Equatorial Africa, the two Trust Territories of the Cameroons and Togoland, and the island of Madagascar. The two small territories of the Comores, formerly a dependency of Madagascar, and French Somaliland are not considered. These French territories have shared, though only to a limited extent, in the generally increased interest in African affairs since the end of World War II. Even in France, however, they have excited much less interest than French North Africa, which is of greater economic importance, geographically much nearer, and whose problems have assumed a more dramatic, indeed menacing, character. Outside France, these French territories in Tropical Africa have been overshadowed not only by the greater international significance of recent developments in North Africa, but also by the more publicized changes in British African territories, notably the Gold Coast, Nigeria, and the Federation of Rhodesia and Nyasaland, and by the *Mau Mau* rebellion in Kenya. Yet any consideration of the political, social, and economic problems of contemporary Africa which excludes French Tropical Africa, which covers about a quarter of the area of the continent and includes about one-seventh of its 200 million inhabitants, must obviously be very incomplete. For the student of government, however, these territories present an additional interest. While they often closely resemble, ethnically and geographically, neighboring territory under the control of other European powers, especially Great Britain, the policies pursued in them, and the legal, social, and political structures which the French have sought to create to give expression to those policies, differ substantially from those of Great Britain, and considerably from those of Belgium or Portugal. There are thus particular opportunities for the student of comparative government in these areas.

The French literature and materials relating to these territories, though much less than that concerned with French North Africa, are considerable in quantity but very uneven in quality. The treatment of political and administrative subjects is usually highly generalized and often stereotyped. There are hardly any monographic studies of the actual working of administration, and before the end of World War II there was little scope for overt political activity in these territories. Students of government from English-speaking countries should not, however, allow their realization of the often large gap between

\* Much of the research on which this article is based was made possible by a Leverhulme Research Fellowship in 1953. The author is greatly indebted to Mr. Thomas Hodgkin and Dr. Virginia Thompson for commenting on the manuscript.

formal legal structures and the practical working of institutions to result in their ignoring the large literature in French devoted to the former: a thorough understanding of the legal and juridical structure, and indeed of metropolitan French institutions, is essential for any realistic study of contemporary problems of government in French Tropical Africa. It is indeed the all too common neglect of this consideration which makes so much of the relatively small number of writings in English about these territories of slight value. Special attention is accordingly given in this article to the legal background, on which there is much French work of considerable value, and to the various official sources of information in French government publications which are essential. Although the intention is to discuss the literature from the point of view of the student of government, some attention has been given to materials relating primarily to the social and economic background which are thought likely to be useful to such students, and the main sources of statistical data have also been indicated. Unless otherwise stated, the place of publication is in all cases Paris.

## II. BIBLIOGRAPHIES

There is no up-to-date bibliography of works relating to the French Union or French Africa as a whole. For the older books, reference may be made to the *Bibliographie d'Histoire Coloniale (1900-1930)* by Alfred Martineau and others (Larose, 1932), which includes sections relating to French West Africa, French Equatorial Africa, and Madagascar, as well as one on general works on French colonial history, each prefaced by a brief discussion of the literature and sources. Perhaps more useful to the student of government, for the period which it covers, is the bibliography appended to the second volume of Stephen H. Roberts' *History of French Colonial Policy 1870-1925* (P. S. King, London, 1929). A large-scale *Bibliographie Générale des Colonies Françaises* was begun in 1931 with the encouragement and help of the metropolitan government and the various territorial governments, under the editorship of G. Grandidier and E. Joucla (Société d'Éditions Géographiques, Maritimes et Coloniales). A volume on Madagascar by G. Grandidier appeared in 1935 and contained works published between 1904 and 1933, supplementing an earlier volume containing works published before 1904, which had originally been published in 1905. A volume on French West Africa by E. Joucla was published in 1937. For French Equatorial Africa, no comprehensive bibliography has appeared since the *Bibliographie de l'Afrique Equatoriale Française* by G. Bruel (Larose, 1914), but P. Sanner has produced a supplement covering works published between 1914 and 1948, entitled *Bibliographie Ethnographique de l'Afrique Equatoriale Française* (Imprimerie Nationale, 1949).<sup>1</sup> For more recent material, the older collections, which contain little of direct relevance to the study of contemporary political problems, must be supplemented by the bibliographies

<sup>1</sup> The "Bibliographie Économique et Sociale de l'A.E.F.," which appeared as a "numéro hors série" in the *Bulletin d'Informations Économiques et Sociales de l'A.E.F.* (Sept., 1947), seems to have been an earlier version of this work and is practically identical with it.

published in *Africa*, the journal of the International African Institute (quarterly, Oxford University Press, London, since 1928), and in the *Journal de la Société des Africanistes* (quarterly, Musée de l'Homme, since 1931), both of which include sections devoted to administration, although their main interest is in ethnography. Since 1948, a very useful annotated *Bulletin Bibliographique* has been issued bi-monthly in mimeographed form by the Service des Statistiques of the Ministry of Overseas France. Although this gives a more extensive coverage relating to economic conditions, it includes a useful section on "Les Institutions Politiques: L'État." It is, on the whole, the most useful guide to the articles and books currently published on the political and economic problems in the French Overseas Territories, but is not on sale.

### III. GENERAL WORKS: OFFICIAL PUBLICATIONS

By far the most important official publication containing information relating to the Overseas Territories of the French Union is the *Journal Officiel de la République Française* (Imprimerie des Journaux Officiels). This at present includes the following separate series:

1. *Débats Parlementaires: Assemblée Nationale.*
2. *Débats Parlementaires: Conseil de la République.*
3. *Documents Parlementaires: Assemblée Nationale.*
4. *Documents Parlementaires: Conseil de la République.*
5. *Débats de l'Assemblée de l'Union Française.*
6. *Documents de l'Assemblée de l'Union Française.*
7. *Avis et Rapports du Conseil Économique.*
8. *Lois et Décrets.*
9. *Documents Administratifs*, also called *Annexe Administratif*.
10. *Bulletin du Conseil Économique (Compte Rendu Analytique des Séances).*

All these contain essential material for the student of government in French Tropical Africa. In particular, the documents of the various assemblies contain numerous committee reports which often discuss a particular territory or topic very fully. A few examples may be instanced: *Documents Parlementaires: Conseil de la République, Séance du 2 mai 1950, Annexe No. 259* was a report made by the mission which visited Madagascar and French Somaliland in September and October, 1949 on behalf of the Overseas France Committee of the Council of the Republic and includes, *inter alia*, an account of Malgache political parties, nationalism and communism in Madagascar, and the activities of the missions and of local administration. *Avis et Rapports du Conseil Économique, Séances des 14 et 15 Février 1950* included a "Report on the Economic, Social and Monetary Policy of the French Union," with three subsidiary reports and some statistical appendices. *Documents de l'Assemblée de l'Union Française, 2<sup>e</sup> Séance du 26 Août 1954, No. 318* was a report made by a mission which visited French Equatorial Africa on behalf of the Social Affairs Committee of the Assembly to investigate the application there of the Labor Code for Overseas Territories enacted in 1952.

The *Jurisclasser de la France d'Outre-Mer*, issued, since 1948, by the Ministry of Overseas France (Éditions Techniques), is divided into two parts.

The first, in one volume, contains *Codes*; the second at present in 15 volumes, contains laws, decrees, and administrative documents. This is a loose-leaf compilation of the legislation currently in force in the Overseas Territories, excluding North Africa, and is kept up to date by regular issuances to subscribers. New legislation, both statutes and executive decrees and orders, is of course published at the time of its enactment in the *Journal Officiel* series called *Lois et Décrets*, as well as in the *Journaux Officiels* of the various territorial administrations.

The Statistical Service of the Ministry of Overseas France, together with the National Institute of Statistics and Economic Studies, publishes bi-monthly (in spite of its title) a *Bulletin Mensuel de Statistique d'Outre-Mer*, which includes, besides data relating to production and trade, transport, prices and money, tables of current budgetary receipts in the individual territories and of development expenditure. Two series of supplements—*Série Statistiques* and *Série Études*—are published at irregular intervals. The former contains the results of the census of population, and the latter includes such special studies as the results of a public opinion survey taken in metropolitan France in 1950 under the title "Connaissez-vous la France d'Outre-Mer." An *Annuaire Statistique de l'Union Française Outre-Mer, 1939-1949* was published in two volumes in 1951 (Imprimerie Nationale). This includes much information of great value to the student of government, such as tables relating to education, labor, and public finance. Another valuable series of studies is issued by the Statistical Service of the Ministry of Overseas France under the title *Documents et Statistiques*. These include *La Monnaie et le Crédit dans les Territoires d'Outre-Mer* (No. IV, 1950) and a pioneer study which deserves to be much more widely known, *Les Budgets des Territoires d'Outre-Mer pour l'Exercice 1952* (No. VI, 1952), by P. Sanner and H. Le Polotec. The most comprehensive description and analysis of the monetary system of the French Union is in *Premier Rapport Annuel du Comité Monétaire de la Zone Franc 1943*, to be found in *Statistiques et Études Financières: Supplément Finances Françaises No. 24, 1954* (Imprimerie Nationale).

A monthly magazine containing, besides official news items, articles on current issues, descriptions of economic and social development services, and a survey of current foreign press comment on French and other overseas territories is issued by the Ministry of Overseas France under the title *Chroniques d'Outre-Mer*. Before 1951 it was known as *Bulletin d'Information de la France d'Outre-Mer*. It is published for the Ministry by La Documentation Française, which also publishes at irregular intervals (about 150 per annum) a series of official documents and studies called *Notes et Études Documentaires*. This includes many issues relating to the Overseas Territories of the French Union, a number of examples of which are mentioned below. A recent issue (No. 1847) of particular value to the student of government, containing much otherwise inaccessible data relating to postwar political development, is *L'Évolution Récente des Institutions Politiques dans les Territoires d'Outre-Mer et Territoires Associés*.

*Les Élections Législatives de Juin 1951* (La Documentation Française, 1953) includes the results of the general election for the National Assembly in 1951. Some data relating to the previous general election of 1946 are contained in Volume I of the *Annuaire Statistique de l'Union Française d'Outre-Mer* and in *Élections et Referendums: 13 Octobre, 10 et 24 Novembre et 8 Décembre 1946; Résultats par Département et Canton* (Le Monde, 1947).

#### IV. GENERAL WORKS: PERIODICALS

There is a relatively large number of periodicals devoted to various aspects of French Union affairs, but many of them are somewhat propagandist in tone, and those which deal with topics in a scholarly manner are not numerous and tend to devote a high proportion of their space to parts of the French Union other than Tropical Africa. The most valuable for the student of government is the *Revue Juridique et Politique de l'Union Française* (Librairie Générale de Droit et de Jurisprudence, quarterly since 1947), which is concerned primarily but not exclusively with legal and constitutional questions. It publishes articles of high quality and of essential importance, such as that by P. F. Gonidec on "Les Assemblées Locales des Territoires d'Outre-Mer," in Volumes VI and VII. Another useful legal journal is the *Recueil Penant: Recueil Général de Jurisprudence de Doctrine et de Législation d'Outre-Mer*, which has appeared continuously since 1891 (Éditions de l'Union Française, monthly). Besides articles on social and administrative as well as purely legal subjects, this contains the full text of the more important new laws, decrees, and other documents. The quarterly journal of the Centre des Hautes Études d'Administration Musulmane, *L'Afrique et l'Asie* (Imprimerie Administrative Centrale, since 1948), has included a number of articles on the social background in Tropical African territories, as well as a few dealing with more specifically political topics. These are short but are generally written by those with substantial practical experience in Africa, usually as administrators. Somewhat more polemical, or at least defensive of the "colonial" point of view, are the *Comptes Rendus de l'Académie des Sciences Coloniales* (bi-monthly, published by the Academy) and *L'Afrique Française: Bulletin du Comité de l'Afrique Française et du Comité du Maroc* (Comité de l'Afrique Française). This was published from 1891 to 1940 and a new series began in 1952. The *Encyclopédie Mensuelle d'Outre-Mer* (Éditions de l'Union Française, monthly since 1950) contains articles on almost all aspects of life in the overseas territories, though little on directly political as opposed to social and administrative questions. It includes a supplement, *Documents Politiques, Économiques et Sociaux*.

Most valuable of the more journalistic periodicals is *Marchés Coloniaux du Monde* (Logier et Cie, weekly since 1945). Besides well-documented articles by leading men in commerce, politics, and administration, this also contains regular summaries of the proceedings of the various metropolitan assemblies, so far as these are concerned with the affairs of the French Union, as well as those of the representative assemblies in the territories themselves. Another interesting monthly magazine which has appeared since 1948, mainly political



in its emphasis, is *Union Française et Parlement*, though its articles are very short. *L'Année Politique* (Éditions du Grand Siècle, annually since 1944) prints a number of documents relating to the affairs of the French Union and since 1952 has had a substantial section devoted to them in its narrative part, though little of this has so far dealt with Tropical Africa. *Présence Africaine* (Éditions Africaines), which began as a periodical but after No. 7 appeared irregularly in issues devoted each to a particular topic, has, since No. 16, begun a *Nouvelle Série* which will apparently appear as a periodical. It contains many contributions from Africans. Of the original series No. 8 was entitled *Le Monde Noir*, No. 13 *Le Travail en Afrique Noire*, and No. 15 *Les Étudiants Noirs Parlent*. Although definitely "anti-colonial" in tendency, the mimeographed periodical *Afrique Informations*, which appears irregularly (Claude Gérard, 5 Rue Lamartine, Paris, 9<sup>e</sup>), is a useful source of information on current political developments. *African Abstracts* (International African Institute, London, quarterly since 1950) contains abstracts of articles selected from periodicals, including many French ones, but they are predominantly of an ethnographic character and many articles in learned journals not specifically "African" or ethnographic are not abstracted. Nevertheless, this is of some value to those interested in administrative problems, as is the geographical journal published by the University of Bordeaux, *Cahiers d'Outre-Mer* (quarterly since 1948). The latter contains many studies of the human and social geography of overseas territories which provide valuable "background" material for the student of government and economics.

Among French journals not specializing in African or "colonial" subjects, the *Revue d'Économie Politique* (Recueil Sirey, bi-monthly since 1891) published two special numbers on *L'Économie de l'Union Française* in 1951 and 1954, respectively, both edited by G. Leduc, which include much material of interest relating to public finance, development policy, and monetary organization. Its annual volume on *La France Économique* has, since 1947, contained a section on the French Union Overseas. *Politique Étrangère* (Centre d'Étude de Politique Étrangère, bi-monthly since 1935) published special numbers devoted to the French Union and its problems in September, 1953 and October, 1954. *Cahiers Internationaux de Sociologie* (1946-1953 Éditions du Seuil, since 1954 Presses Universitaires de France, twice yearly) has also printed a number of articles on African topics. There are frequently articles on the overseas territories in French literary reviews, particularly in the "left-wing" Catholic journal *Esprit* (monthly since 1931) and in *Les Temps Modernes* (edited by J.-P. Sartre, monthly since 1946).

#### V. GENERAL WORKS: BOOKS AND ARTICLES

For those primarily concerned with French Tropical Africa, the development of administration before 1939 can be best studied in E. L. Buell, *The Native Problem in Africa* (2 vols., Macmillan, New York, 1928), and in Lord Hailey's *An African Survey* (Oxford University Press, London, 1928). The historical background is given very fully in S. H. Roberts, *History of French Colonial*

*Policy, 1870-1925* (P. S. King, London, 1929), and H. I. Priestley, *France Overseas: A Study of Modern Imperialism* (Appleton-Century, New York, 1938), while some account of developments during and immediately after the war will be found in M. Devèze, *La France d'Outre-Mer de l'Empire Colonial à l'Union Française, 1938-1947* (Hachette, 1948).

The best general account of the legal and juridical system is by L. Rolland and P. Lampué, *Précis de Droit des Pays d'Outre-Mer* (2nd edition, Dalloz, 1952). K. Robinson, *The Public Law of Overseas France since the War* (Oxford University, Institute of Colonial Studies, Reprint Series No. 1A, Oxford, 2nd ed., 1954) is a brief discussion with fairly full references to the literature. Two works dealing with more specialized aspects, an understanding of which is particularly important for the non-French student, are C. Rossillion, *Le Régime Législatif de la France d'Outre-Mer* (Éditions de l'Union Française, 1954), and J. Ravanel's article "Le Conseil d'État et les Assemblées des Territoires d'Outre-Mer," in *Études et Documents du Conseil d'État, No. IV* (Imprimerie Nationale, 1950), which describes the supervisory and advisory functions of the Conseil d'État in respect of the territorial assemblies and their activities.

The best recent study of French ideas about colonial policy is H. Deschamps, *Les Méthodes et les Doctrines Coloniales de la France (du XVI<sup>e</sup> Siècle à Nos Jours)* (Colin, 1953). Based on personal experience as well as research, this displays a discriminating judgment and penetration which may not be realized by those not already familiar with the subject. Although primarily suggested by and concerned with experience in Indochina, P. Mus' *Le Destin de l'Union Française* (Éditions du Seuil, 1954) is a work of great value to the student of French colonization, learned, subtle, and fully rewarding the effort which its complex thought demands from the reader. A useful account of the postwar institutional changes is D. Boisdon, *Les Institutions Politiques de l'Union Française* (Berger-Levrault, 1949). Short surveys in English are Ch.-A. Julien, "From the French Empire to the French Union," in *International Affairs* (Oct., 1950), General Catroux, "The French Union," in *International Conciliation* (Nov., 1953), and K. E. Robinson, "French Africa and the French Union," in *Africa Today*, edited by C. Grove Haines (Johns Hopkins Press, Baltimore, 1955).

The student of the political and administrative problems of French Tropical Africa will soon realize the need to acquire some knowledge of the economic and financial institutions of the French Union. Besides the two special numbers of the *Revue d'Économie Politique* already mentioned, he will find in J. C. Haumant, *Initiation aux Finances Publiques des Territoires d'Outre-Mer* (Éditions de l'Union Française, 1953) a clearly-written and authoritative guide to the public finance of the Overseas Territories, including their various budgets, tax systems, and arrangements for governmental financing of development expenditure. On this last point, L. B. de Carbon's *L'Investissement dans les Territoires d'Outre-Mer* (2 vols., mimeographed, Institut de Science Économique Appliquée, 1951) and L. Postel-Vinay's *Aspects Financiers et Budgétaires du développement Économique de l'Union Française* (La Documentation Française, 1952, Notes et Études Documentaires No. 1568) should also be consulted.

## VI. FRENCH WEST AFRICA

The best short survey of French West Africa is J. Richard-Molard, *L'Afrique Occidentale Française* (Berger-Levrault, 2nd ed., 1952), an excellent example of the work of French geographers, which includes moreover a very useful account of the social and economic background. Rather more "administrative" in tone, but nevertheless solid and workmanlike is G. Spitz, *L'Ouest-Africain Français* in the *Terres Lointaines* series (Société d'Éditions Géographiques, Maritimes et Coloniales, 1947). F. J. Pedler, *West Africa* (Methuen, London, 1951), is a brief introductory survey, the work of a British business man, previously a civil servant, with much practical experience in both British and French territories. The same author's *Economic Geography of West Africa* (Longmans, London, 1955) is primarily concerned with the affairs of the four British territories in West Africa but contains a number of incidental references to the French territories. Still useful, though somewhat dated in economic matters, is A. Berrard's volume in the *Géographie Universelle*, *Afrique Septentrionale et Occidentale*, 2nd Part, "Sahara-Afrique Occidentale" (Colin, 1939). Much of the Sahara is within the boundaries of French West Africa and R. Capot-Rey's outstanding work, *Le Sahara Français* (Presses Universitaires de France, 1953), is valuable for its discussion of economic possibilities and of the social order in Mauretania, Niger, and parts of the French Sudan. The Centre des Hautes Études d'Administration Musulmane has produced a map of *Le Sahara des Nomades* accompanied by a short study of *L'Économie Pastorale Saharienne* (La Documentation Française, 1953, Note et Études Documentaires No. 1730). Most comprehensive of all, the two volumes of *L'Afrique Occidentale Française*, edited by E. Guernier (Encyclopédie Coloniale et Maritime, 1949), contain articles on almost all aspects of its history, geography, economy, and administration, many by acknowledged authorities, with useful bibliographical indications. The first volume contains a section on the political and administrative structure, including public finance, justice, education, health services, labor conditions, and similar topics. It also contains "Les Groupes Ethniques," by J. Richard-Molard (also reprinted in *Homages to Richard-Molard*, *Présence Africaine* No. 15, 1954), which is probably the most useful introduction for the non-specialist to the ethnography of the region.

The pioneer work of M. Delafosse, *Haut-Séga-Niger* (3 vols., Larose, 1912), is still unsurpassed for many areas and peoples. There are chapters on the ethnography of French West Africa, as well as a full bibliography, in *Ethnologie de l'Union Française*, Vol. I: *Afrique*, by A. Leroi-Gourhan and J. Poirier (Presses Universitaires de France, 1952). More useful to those interested in administration, as an introductory account of traditional African society, is H. Labouret, *Paysans d'Afrique Occidentale* (Galliard, 1941), which emphasizes such features as the systems of land holding, economics of land holding, economic organization at the family and village level, and the division of labor, and also includes some pioneer work on family expenditure and the measurement of the standard of living. The administration collected information about customary systems of law and published three volumes of *Coutumiers Juridiques*

de l'A.O.F. (Larose, 1939), the first devoted to Senegal, the second to the Sudan, and the third to the remaining territories in French West Africa. Three volumes relating to parts of French West Africa have so far been published in the Ethnographic Survey of Africa under the auspices of the International African Institute: V. Paques, *Les Bambara* (1954); J. Rouch, *Les Songhay* (1954); and M. de Lestrangé, *Les Coniagui et les Bassari* (Presses Universitaires de France, 1955).

The large monographic literature is of varying quality and still more varying utility to the student who is primarily interested in politics, but a few studies important either by virtue of the size of the ethnic group in question or because of their outstanding merit, may be mentioned: L. Tauxier, *Mœurs et Histoire des Peuls* (Payot, 1937) and *Histoire des Bambara* (Gueuthier, 1942); M. J. Herskovits, *Dahomey, An Ancient West African Kingdom* (2 vols., Augustin, New York, 1938); D. Paulme, *L'Organisation Sociale des Dogon* (Domat Montchrestien, 1930) and *Les Gens du Riz* (Pion, 1954); G. Dierterlen, *Essai sur la Religion Bambara* (Presses Universitaires de France, 1950); and L. Urvoy, *Histoire des Populations du Soudan Central* (Larose, 1936). H. Labouret's *Les Manding et Leur Langue* (Larose, 1934) is largely linguistic. The Institut Français d'Afrique Noire at Dakar, and its various centers in the individual territories, publish much material of an ethnographic kind. The *Bulletins* of the Comité des Études Historiques et Scientifiques de l'A.O.F., published from 1916 to 1938, at which time they were succeeded by the *Bulletin de l'Institut Français d'Afrique Noire*, also contain many ethnographic studies, mostly by administrative officers. Since 1953, the *Bulletin de l'I.F.A.N.* has been published in two series, of which Series B is devoted to the "Sciences Humaines." The Institut Français de l'Afrique Noire also publishes *Notes Africaines* (quarterly) and a series of *Mémoires* at irregular intervals, as well as a series called *Initiations Africaines*, which includes a most useful introduction to the study of contemporary problems of sociological interest in West Africa, *Les Tâches de la Sociologie*, by P. Mercier (IFAN, Dakar, 1951). This small book will be invaluable to the student of political science and administration who is unfamiliar with the African scene. It includes a short bibliography.

Relatively little sociological study of the impact of Western society and the social disintegration it has brought about has as yet been undertaken in French West Africa, though the recent formation of a Sociological Section at I.F.A.N. is already remedying this situation. *L'Agglomération Dakaroise*, by P. Mercier and others (Études Sénégalaises V, Centre IFAN, Saint-Louis, 1954), contains some preliminary results of a series of studies of certain Senegal towns—Dakar, Thiès, Saint-Louis—undertaken by the Sociological Section. P. Mercier has published *L'Affaiblissement des Processus d'Intégration dans les Sociétés en Changement* (Bulletin de l'I.F.A.N. Série B, Vol. 16, Dakar, 1954) and another study on *Aspects des Problèmes de Stratification Sociale dans l'Ouest Africain* (Cahiers Internationaux de Sociologie, Vol. 16, 1954). The latter is of special interest with respect to the political implications of social differentiation and conflicts between "traditional" and "Western" criteria of differentiation.

At least as important as a knowledge of the ethnographic and sociological background for the student of government and administration is a knowledge of the character and development of French rule in West Africa. Unfortunately there is no satisfactory historical account of this. The best of the available general descriptions is that of P. Delafosse in Volume 4 of the *Histoire des Colonies Françaises*, edited by G. Hanotaux and A. Marinier (Plon, 1933). This is, however, now very much out of date and the part relating to the period after the First World War was very slight. J. L. Monod, *Histoire de l'Afrique Occidentale Française*, is a school textbook based on Delafosse (Delagrave, 1934). C. Scheffer, *Instructions Générales sur l'Afrique Occidentale* (Larose 1921), is in two volumes, of which the second contains the instructions between 1831 and 1870. There is a large literature dealing with the period of the French conquest, of which A. Terrier and C. Mourer, *L'Expansion Française et la Formation Territoriale* (Gouvernement Général de l'A.O.F., Larose, 1910), remains useful.

The only part of French West Africa on which much historical work has been done is Senegal. P. Cultru, *Histoire du Sénégal du XVe Siècle à 1870* (Larose, 1910), is a solid work based on archival materials but concerned mainly with the period before the nineteenth century, for the early part of which G. Hardy's two books, *L'Enseignement au Sénégal de 1817 à 1854* (Larose, 1920) and *La Mise en Valeur du Sénégal de 1817 à 1865* (Larose, 1921), are interesting. More useful for the subsequent period is A. Villard, *Histoire du Sénégal* (Viale, Dakar, 1943), with an annotated bibliography. There is an interesting study of the development of the Ivory Coast by F. J. Amou d'Fly, *La Côte d'Ivoire dans La Cité Africaine* (Larose, 1951), which contains a discussion of political parties and some account of the local press.

No studies of the actual working of administration in French territories, comparable for example with Margery Perham's *Native Administration in Nigeria*, exist. Two books which give a lively and intelligent impression of the work of a French administrator during the interwar period are R. Delavignette's *Les Paysans Noirs* (Stock, rev. ed., 1946) and the same author's *Service Africain* (Gallimard, 1946; English translation *Freedom and Authority in French West Africa*, Oxford University Press, London, 1950). His account of the work of a district officer in the latter book may be compared with that of R. Grivot in *Le Cercle de Lahou* (Côte d'Ivoire), one of the few available accounts of administrative action in one district (Bulletin de l'I.F.A.N., Vol. 4, 1942). M. Grivot has recently published a useful and interesting discussion of current political and administrative problems in Dahomey, *Réactions Dahoméennes* (Berger-Levrault, 1954). Discussion of administrative problems during the interwar period was preoccupied largely with the question of the position of the chief, particularly in relation to the requirements of administration and the claims of the philosophy of African rule then dominant in British territories under the somewhat misleading label of "indirect rule." Although these issues no longer find a prominent place in contemporary discussion, the problems involved in the transformation of "traditional" societies into a larger scale "bureaucratic" society, with certain aspects of which this controversy was essentially concerned, remain fundamental here as elsewhere in Tropical Africa. For French

discussion of it, reference should be made to J. van Vollenhoven, *Une Ame de Chef* (Plon, 1920), H. Labouret, *A la Recherche d'une Politique Indigène dans l'Ouest-Africain* (Comité de l'Afrique Française, 1931), and J. Brevié, *Circulaires sur la Politique et l'Administration Indigènes en A.O.F.* (Imprimerie du Gouvernement, Gorée, 1932). Although it was concerned specifically with French Equatorial Africa, it is probably best to mention here the last contribution to this discussion, which is to be found in F. Eboué, *Politique Indigène de l'Afrique Equatoriale Française* (Imprimerie Officielle de l'A.E.F., Brazzaville, 1941; English translation *The Eboué Memoranda of 1941*, in *Sudan Notes and Records*, Vol. 25, 1943).

French policy in Africa was officially examined during the Second World War at a conference of governors and their principal assistants held in Brazzaville in February, 1944, under the presidency of M. René Plevin, at that time Commissioner for Colonies in the Provisional Government of Algiers. Its conclusions were published in *La Conférence Africaine Française* (Ministère des Colonies, 1945). Postwar developments have been summarized and discussed in relation to the situation between the wars in K. Robinson, "Political Development in French West Africa," in *Africa in the Modern World*, edited by C. Stillman (University Press, Chicago, 1955), and in a series of articles by T. Hodgkin entitled "Background to A.O.F." and appearing in the issues of *West Africa*—a weekly periodical published in London—between January 2 and March 6, 1954. H. Deschamps, *L'Eveil Politique Africain* (Presses Universitaires de France, 1952), is a very brief discussion of postwar reactions, including a summary account of "traditional" society and prewar colonial policies. There is little published work on the newly-instituted electoral systems. G. Gayet, "Évolution Récente des Collège Electoraux en Afrique Occidentale," in the *Comptes Rendus de l'Académie des Sciences Coloniales, 1952*, is a short but useful article. There is a good official account of the postwar changes in J. Aurillac, *Régime Politique et Administratif de l'A.O.F.* (Service d'Information du Haut Commissariat de l'A.O.F., Dakar, 1949). The material relating to French West Africa submitted to the United Nations in accordance with the provisions of Article 73(e) of the Charter is issued in mimeographed form and is available in some libraries. *La Situation Économique et Sociale de l'Afrique Française* (in three parts, Notes et Études Documentaires Nos. 1832-34, La Documentation Française, 1954) also contains an account of the political and administrative organization as well as material on public finance, labor, and social welfare. It includes a list of newspapers and similar periodicals published in West Africa at the beginning of 1953.

African comment on recent political and economic changes is confined largely to articles in periodicals, such as that by Leopold Senghor, Deputy for Senegal, in *Politique Étrangère*, October, 1954, or in *Où va l'Union Française?* (Les Cahiers de la NEF, June, 1955). Two recent works which are significant examples of African thinking are Mamadou Dia's *Réflexions sur l'Économie de l'Afrique Noire* (Éditions Africaines, 1955) and Lamine Gueye's *Étapes et Perspectives de l'Union Française* (Éditions de l'Union Française, 1955).

On more specialized aspects of the administrative problems of West Africa,

there are a number of books and articles of which a few may be cited. J. Chabas, *La Justice Indigène en Afrique Occidentale Française* (Annales Africaines No. 1, École Supérieure de Droit, Dakar, 1954), is a useful account of the various tribunals administering African customary law, their organization and working. A characteristic feature of French administration has been the form of compulsory "cooperative" for rural development known as the Provident Society. A brief description will be found in K. Robinson, "The Sociétés de Prévoyance in French West Africa," *Journal of African Administration* (Vol. II, London, 1950), and a more detailed discussion of their earlier development in J. Boyer, *Les Sociétés Indigènes de Prévoyance en A.O.F.* (Comat-Montchrétien, 1936). The position of women has been discussed by Sœur Marie-André du Sacré Coeur in *La Condition Humaine en Afrique Noire* (Grasset, 1953) and "L'Activité Politique de la Femme en Afrique Noire," *Revue Juridique et Politique de l'Union Française* (Vol. 8, 1954). A. Gailly, *L'Islam dans L'Afrique Occidentale Française* (Larose, 1952), should be supplemented by the earlier works of P. Marty, *Études sur l'Islam Maroc* (1916), *Études sur l'Islam au Sénégal* (2 vols., 1917), *L'Islam et les Tribus du Soudan* (4 vols., 1920), *L'Islam en Guinée* (1921), *L'Islam en Côte d'Ivoire* (1922), *L'Islam au Dahomey* (1922), all published by Leroux, and J. Brevié, *Islamisme contre "Naturisme" au Soudan Français* (Leroux, 1923). On education, *Africans Learn to be French: Educational Activity in French Africa*, by W. B. Mumford in consultation with G. St. J. Orde Browne (Evans, London, 1937), is rather slight and very much out of date. There is no comprehensive study of postwar educational development: the nearest approach is J. Capelle, *Education in French West Africa* (Overseas Education, Vol. 21, Her Majesty's Stationery Office, London, 1949). The educational service in French West Africa has for many years published the journal *L'Éducation Africaine*, of which a new series began in 1949 (Direction de l'Enseignement, Dakar, quarterly). On the application of the Labor Code, enacted in 1952, there are several books, of which P. Huguet, *Code du Travail d'Outre-Mer: Texte et Commentaire* (Recueil Sirey, 1953), is probably the best. Two articles by P. Riviere and P. Devinat, "The Labour Code for French Overseas Territories," *International Labour Review* (Vol. 33, pp. 232, 245, Sept., 1953), give a general account of the Code and its possible economic consequences. Economic development schemes have been discussed in *L'Équipement de l'Afrique Occidentale Française: Aperçu des Réalisations du Fonds d'Investissement pour le Développement Economique et Social au 1<sup>er</sup> Juillet 1950* (La Documentation Française, 1951). More recent activities in this sphere are most conveniently followed in the annual reports of the Commissariat Général du Plan de Modernisation et d'Équipement of which the latest is that for 1953, *Rapport Annuel sur l'Exécution du Plan de Modernisation et d'Équipement de l'Union Française* (Imprimerie Nationale, 1954). The programs proposed for the Second Four Year Plan are described and discussed in *Rapport Général de la Commission d'Étude et de Co-ordination des Plans de Modernisation et d'Équipement des Territoires d'Outre-Mer* (Imprimerie Nationale, 1954). The system of public finance is briefly outlined in *Régime Financier de l'A.O.F.*, by R. Bargues (Service

d'Information du Haut Commissariat, Dakar, 1949), and in a valuable article by J. Ehrhard and J. Lecaillon, "Les Budgets de L'Afrique Occidentale Française," *Revue de Science et de Législation Financières* (Recueil Sirey, January-March, 1954).

There is an elected assembly in each of the eight component territories of French West Africa, but the records of their proceedings have not always been printed and they are very difficult to find even in the major libraries in Paris. So too, unfortunately, are those of the Grand Council for French West Africa as a whole, published since its initiation in 1947 (Grand Conseil de l'A.O.F., *Procès Verbaux des Délibérations*, Grande Imprimerie Africaine, Dakar). The *Annuaire Statistique de l'Afrique Occidentale Française*, Volume I, edition of 1949 (Imprimerie Nationale, 1950) and Volume 2, edition of 1951 (Imprimerie Nationale, 1951), is an essential work of reference. Besides the usual statistics of external trade, agricultural production, and population, it contains a useful note on the budget, statistics relating to public finance from 1939 to 1950, and valuable data relating to education, the administration of justice, and labor. There is also a quarterly *Bulletin de la Statistique Générale* (Service des Statistiques, Dakar).

#### VII. FRENCH EQUATORIAL AFRICA

The literature dealing with French Equatorial Africa is much less considerable than that about French West Africa, though of course a good deal of the latter, especially that dealing with French policies and methods of administration, applies equally to the other French territories in "Black Africa." None of the general surveys of French Equatorial Africa are as outstanding in quality as that of Richard-Molard on French West Africa. H. Ziégélé, *Afrique Équatoriale Française* (Berger-Levrault, 1952), and E. Trézenem, "Afrique Équatoriale Française," in *La France Équatoriale* (Société d'Éditions Géographiques, Maritimes et Coloniales, 1950), are on the usual lines, including some discussion of the natural environment, ethnography, history, and social and economic "development," with a brief description of political and administrative organization. There is a volume in the *Encyclopédie Coloniale et Maritime*, *Afrique Équatoriale Française* (Éditions de l'Union Française, 1950), which includes chapters on political organization, the administration of justice, educational services, and public finance. Of the older books, G. Bruel, *L'Afrique Équatoriale Française* (Larose, 1935), is still worth consulting for both its general account of the peoples of the area and its careful description of the main features of administration during the interwar years. The periodical *Encyclopédie Mensuelle d'Outre-Mer* published in 1953 a special number, *A.E.F.*, with contributions by the heads of the various branches of the public service, which provides a supplement to the volume in the *Encyclopédie de l'Afrique Française*.

There is no satisfactory general survey of the ethnography of the area, though reference should be made to Volume 1 of the *Ethnologie de l'Union Française*, cited above. Among the monographs, the standard account of the Fang is by G. Tessmann, *Die Pangwe: Völker Kundliche Monographie eines Westafrika-*



*nischen Negerstammes* (2 vols., Wasmuth, Berlin, 1913), and of the Baongo by Father van Wing, *Études Bakongo: Vol. I, Histoire et Sociologie; Vol. II: Religion et Magie* (Brussels, 1921 and 1938, respectively). J.-P. Lebeuf and A. Masson Detourbet, *La Civilisation du Tchad* (Payot, 1950), is a study of the extinct Sao civilization in the Lake Tchad region. Owing, however, to the work of a group of research workers at the Institut d'Études Centrafricaines at Brazzaville, there are a number of valuable studies of a sociological kind, dealing with the impact of colonialism on certain groups. These are of first-class interest and importance to the political scientist in respect not only to French Equatorial Africa but to tropical Africa generally. G. Balandier, *Sociologie Actuelle de l'Afrique Noire* (Bibliothèque de Sociologie Contemporaine, Presses Universitaires de France 1955), is a major work which examines the different "reactions" of two ethnic groups, the Baongo of the French Congo and the Fang of Gabon, to the impact of social changes brought about by the missionary, economic, and administrative activities of the West, and in particular discusses the relationship between those reactions and the internal social structure and organization of these two African peoples. This includes a valuable analysis of the movements known as *Kibanguism*, *Aricalism*, and *Khakism* among the Baongo and political and social movements among the Fang. Professor Balandier and his associates studied both the new African urban areas near Brazzaville and the rural environment from which their populations had migrated, and their results are published in G. Balandier and J.-C. Pauvert, *Les Villages Gabonais* (Mémoire No. 5 of the Institut d'Études Centrafricaines, Brazzaville, 1952) and in G. Balandier, *Sociologie de Brazzavilles Noires* (Cahier No. 67 de la Fondation Nationale des Sciences Politiques, Colin, 1955). More detailed material on the demographic factors in the process of urbanization is contained in M. Soret, *Démographie et Problèmes Urbains en A.E.F.* (Mémoire No. 7 of the Institut d'Études Centrafricaines, Brazzaville, 1954). The Institut d'Études Centrafricaines has published a quarterly *Bulletin* since 1950, which contains articles of sociological and economic interest, such as that by G. Sautter, "Le Cacao dans l'Économie Rurale du Foleu-Ntem" (Vol. I). It succeeds an early series of which two numbers only appeared in 1945 and 1947 and was preceded by the *Bulletin de la Société pour les Recherches Congolaises*, published from 1919 to 1939. J.-P. Lebeuf has written two small monographs on urban areas in French Equatorial Africa, *Fort-Lamy (Tchad, A.E.F.)* and *Bangui (Oubangui-Chari, A.E.F.)*, both published by Éditions de l'Union Française. These are, however, restricted to "les milieux africains." This appears to be a somewhat unrealistic approach to the problems raised by these areas, but the studies contain some interesting information about associations, trades and occupations, and social organization.

Two official surveys which are useful are *La Situation Économique et la Mise en Valeur de l'Afrique Equatoriale Française* (Notes et Études Documentaires, No. 1461) and *La Situation Économique et Sociale de l'Afrique Equatoriale Française* (Notes et Études Documentaires, Nos. 1815 & 1816). These can be brought up to date in certain respects from the *Bulletin d'Informations Éco-*

*nomiques et Sociales de l'Afrique Equatoriale Française* (Imprimerie Officielle, monthly since 1947), earlier numbers of which in particular contained short articles on demographic and economic topics besides the usual data on external trade, credit, and public finance. One volume has been published of an *Annuaire Statistique de l'A.E.F.*, containing figures for the period 1936-1950 (Service de la Statistique Générale, Brazzaville, 1951). This includes data relating to population, education, labor, communications, and external trade and also revenue and expenditure of the General and Local Budgets from 1925-1934, of the General Budget from 1935-1944, and for General and Territorial Budgets since 1945. The debates of the Grand Council and the deliberations of its permanent committee are also published: *Débats du Grand Conseil de l'A.E.F.* and *Recueil des Délibérations de la Commission Permanente du Grand Conseil de l'A.E.F.* (both Imprimerie Officielle, Brazzaville, 1947—irregularly). The *Journal Officiel de l'Afrique Equatoriale Française* has been published since 1904 and at present appears fortnightly.

Practically nothing of special interest to the student of politics has been published regarding individual territories in Equatorial Africa. Two famous books by André Gide, *Voyage au Congo* and *Le Retour du Tchad* (Gallimard, 1928), are still worth reading though they deal with administration at a much earlier phase. There is a brief and very general account of Oubangui, with particular emphasis on its economic possibilities, in A. Teulière, *L'Oubangui Face à l'Avenir* (Éditions de l'Union Française, 1953).

#### VIII. CAMEROONS AND TOGOLAND

Official material relating to the two Trust Territories is somewhat more plentiful since the annual reports rendered by the French government to the United Nations, and before the Second World War to the League of Nations under the terms of the Mandate, are published. These, together with the discussions of them in the Permanent Mandates Commission and the Trusteeship Council, provide a substantial body of material. The *Rapport du Gouvernement Français au Conseil de la Société des Nations sur l'Administration du Territoire sous Mandat du Cameroun* (and the similar report on Togoland) was published annually from 1922 to 1936 by Lahure, that for 1937 by Larose, and the last, that for 1938, by the Imprimerie Logery. The *Rapport Annuel du Gouvernement Français à l'Assemblée Générale des Nations Unies sur l'Administration du Cameroun Placé sous la Tutelle de la France*, and the corresponding Togoland reports, have been published annually since 1947 (Imprimerie Officielle). The postwar series are lavishly illustrated and contain some brief accounts of political movements as well as full details of the administrative organization. In addition, there are the reports of the United Nations Visiting Missions, of which two have so far appeared: *Reports of the U.N. Visiting Mission to Trust Territories in West Africa, 1950* (T/798), which contains, in addition to the mission's reports on both the Cameroons and Togoland under French trusteeship, a special report on the problem of Ewe reunification. (The Ewes are an intelligent and vigorous people, at present divided by international boundaries, with some

in the Gold Coast, some in Togoland under British trusteeship, and some in Togoland under French trusteeship.) This subject (and the related problem of the reunification of the two Togolands) has also been discussed in the *Special Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952 on the Ewe and Togoland Unification Problem* (T/1105). The report of the 1952 mission on the Cameroons under French administration is in U.N. document T/1110 and that on Togoland in U.N. document T/1008. The *Journal Officiel du Cameroun Français* (Imprimerie du Gouvernement, Yaoundé) has been published since 1916 and at present appears weekly, and the *Procès Verbaux de l'Assemblée Représentative du Cameroun* have appeared in a supplement thereto since 1949. The *Journal Officiel du Territoire du Togo* (Imprimerie de l'École Professionnelle, Lomé) has been published since 1920 and at present appears fortnightly.

There are not many books about either of the Trust Territories. For the Cameroons, there is a useful survey in B. Imbert, *Le Cameroun* (Éditions Maritimes et Coloniales, 3rd ed., 1954); Togoland generally receives a special section in books on French West Africa. One volume of the *Encyclopédie de l'Afrique Française, Cameroun-Togo*, is devoted to both territories (Éditions de l'Union Française, 1951). H. Labouret published a brief survey of the pre-war mandatory régime: *Le Cameroun* (Centre d'Étude de Politique Étrangère, 1937), which is still worth consulting though it is rather slight. L. Péchoux, *Le Mandat Français sur le Togo* (Pédone, 1933), is a doctoral thesis by an administrative officer who later became Commissaire de la République in Togoland. R. R. Kuczynski, *The Cameroons and Togoland* (Oxford University Press, London, 1939), is an elaborate examination of published documents and assertions relating to the demography of the two former German colonies. It is not possible to refer to the historical literature, particularly that dealing with the period of German rule, but an exception should be made of H. Rudin's *Germans in the Cameroons, 1884-1914* (Cape, London, 1938), which includes a great deal of interesting information about the German administration and its efforts to promote the economic development of the Cameroons.

For the ethnography of the Southern Cameroons, there is one invaluable work by I. Dugast, *Inventaire Ethnique du Sud-Cameroun* (Institut Français d'Afrique Noire, Douala, 1949), while the same author contributed to M. McCulloch, M. Littlewood, and I. Dugast, *Peoples of the Central Cameroons*, a volume in the *Ethnographic Survey of Africa* (London, International African Institute, 1954). J. Binet has written *Communément Africain au Cameroun* (Penant, 1954), which discusses some of the effects of recent political and social change on the traditional chiefdoms, and a study of the customary law of land-holding, *Droit Foncier Coutumier au Cameroun* (Le Monde Non Chrétien, 1951). There is an admirable study of "Les Bamileké" by R. Delarozère, in the *Études Camerounaises*, Vol. 2, 1949. These are published quarterly, by the Centre for African Studies at Douala. A doctoral thesis by Ph. Antoine (Faculté de Droit, 1954) examines Les Sociétés de Prévoyance au Cameroun, from a practical as well as a legal point of view. B. Douvrou contributed a short account

of the Representative Assembly to the *Études et Documents du Conseil d'État*, Vol. III (Imprimerie Nationale, 1949), under the title "Les Débuts d'une Assemblée Locale d'Outre-Mer," and T. Hodgkin has published a series of articles in *West Africa* (November 20 to December 18, 1954) briefly discussing political developments since the beginning of the Second World War.

#### IX. MADAGASCAR

The literature on Madagascar is, considering Madagascar's relative importance in comparison with French West Africa, more considerable both in quantity and quality, though there is a similar lack of academic studies of politics as opposed to the more or less technical discussion of administrative problems. Of the modern general surveys, the best is that of H. Deschamps, *Madagascar* (Berger-Levrault, 2nd ed. 1951), but there are several others of real merit. *La France de l'Océan Indien*, by R. Decary (Société d'Éditions Géographiques, Maritimes et Coloniales, 1951), is the work of a former administrative officer who has made a number of ethnographic studies. O. Hatzfield's *Madagascar* in the *Que Sais-je* series (Presses Universitaires de France, 1951) is marked by a vigorous independence of judgment and is more outspoken on political issues. H. Isnard's *Madagascar* (Collection Armand Colin, 1955) is the work of a geographer and is particularly valuable on agricultural production, both Malagasy and European. It contrives, however, barely to mention the rebellion of 1947. There are two volumes, *Madagascar—Réunion*, in the *Encyclopédie de l'Afrique Française* (Éditions de l'Union Française, 1947). These have chapters by the leading specialists and public officials. Of the older surveys, the best is that by A. You and G. Gayet, *Madagascar, Colonie Française* (Société d'Éditions Géographiques, Maritimes et Coloniales, 1931).

The origins of the people of Madagascar are obscure and there is no doubt that they are ethnically very mixed, though their language and many of the major features of their culture are Indonesian. R. Decary gives a general description of them in *Moeurs et Coutumes des Malgaches* (Payot, 1951). R. F. Gray, *Anthropological Problems of Madagascar* (Northwestern University, Chicago, 1954), is a useful bibliographical survey. There are a number of studies of the various ethnic groups, among which may be mentioned R. Decary, *L'Androy* (2 vols, Société d'Éditions Géographiques, Maritimes et Coloniales, 1930); G. Jullien, *Les Institutions Politiques et Sociales de Madagascar* (2 vols, Guilmoto, 1909), an account of the Merina, the inhabitants of the central plateau who dominated the island before the French conquests; H. M. Dubois, *Monographie des Betsiléo* (Institut d'Ethnologie, 1938); R. Linton, *The Tanala: A Hill Tribe of Madagascar* (Field Museum of Natural History, Chicago, 1933); H. Deschamps, *Les Antaisaka* (2 vols, Imprimerie Pitot de Beaujardinière, Tananarive, 1938); V. Cotte, *Regardons Vivre Une Tribu Malgache: Les Betsimisaraka* (La Nouvelle Edition, 1947); and J. Faublée, *La Cohésion des Société Baras* (Presses Universitaires de France, 1954).

There is at present little sociological, as opposed to ethnographic, work. A useful examination of demographic problems was made by L. Chevalier in con-

nection with certain proposals for the settlement of immigrants from other French territories in *Madagascar: Population et Ressources* (Presses Universitaires de France, 1952, Cahier No. 15 of the Institut National des Études Démographiques). In this book much use is made of district administration records to which the author had access and it includes an interesting discussion of the social and economic background of the rebellion of 1947. *Madagascar: Essai de Planification Organique* (Service Géographique du Haut Commissariat, Tananarive, 1952) is an attempt to set out in elaborate diagrams the social and economic factors to be taken account of in regard to the development of the island. There is a more or less factual description of the island in *Madagascar à travers ses Provinces* (Imprimerie Officielle, Tananarive, 1952) and a comprehensive account of the growth of Tananarive by H. Ecurmier in the *Mémoires de l'Institut Scientifique de Madagascar* (Serie C, Sciences Humaines, Tôme I, Fascicule I, Institut de Recherche Scientifique de Madagascar, 1952).

There is a large literature concerned with the history of the island before the French occupation, for which reference must be made to the *Bibliographie de Madagascar*, by Grandidier, cited above. The student of government will need to know something of the ideas of Gallieni, which to a large extent dominated French administration down to the Second World War. For these he will be well advised to read Gallieni's own writings, especially *Neuf Ans à Madagascar* (Hachette, 1908) and the selection of them in *Gallieni Pacificateur*, by H. Deschamps and P. Chauvet (Presses Universitaires de France, 1949). There is no definitive study of Gallieni, but there is much of interest in G. Grandidier's *Le Myre de Vilers, Duchesne, Gallieni: Quarante Années de l'Histoire de Madagascar, 1885-1920* (Société d'Éditions Géographiques, Maritimes et Coloniales, 1923). Lyantey, who served in Madagascar under Gallieni, was in charge of the pacification of the southern part of the island and his *Lettres du Sud de Madagascar* (Colin, 1935) are a valuable source of information on many aspects of the early years of the French occupation. Marcel Olivier who was Governor-General from 1924 to 1929, wrote an account of his administration in *Six Ans de Politique Sociale à Madagascar* (Grasset, 1931), which is especially important with respect to the policy of industrial conscription (or forced labor) which, at a later stage, played a considerable part among the more general predisposing factors in the rebellion of 1947.

Of all the French territories in Africa (North Africa excepted), Madagascar is the only one which has some pretensions to a genuinely "political" literature. This centers on the Malagasy nationalist movement and the rebellion of 1947. *La Situation Politique de Madagascar* (Notes Documentaires et Études, Nos. 713 & 714, La Documentation Française, 1947) contains material on the Second World War, together with speeches by the High Commissioner and the Minister of Overseas France after the outbreak of the rebellion. On the whole, the best published discussion of the origins and nature of the rebellion is in *L'Insurrection Malgache* (Bulletin des Missions, Vol. 24, Bruges, 1950), though this reflects largely a liberal "administrative" point of view. There is a well-informed, though "right-wing French," account of the origins and development

of the nationalist movement in Madagascar in H. Benazet, *L'Afrique Française en Danger* (Fayard, 1947). A series of articles dealing with the nationalist movement, the position of Malagasy workers, and the Madagascar problem from a left-wing anti-administration point of view were published in a special number of *Esprit* (Vol. 16, 1948). R. Rabemananjara, brother of one of the leaders of the Mouvement Démocratique de la Rénovation Malgache, has written and himself published an account of the history of the island from a nationalist point of view in *Madagascar: Histoire de la Nation Malgache* (Rabemananjara, 1952) and has also given a somewhat fuller account of the formation and objects of the M.D.R.M. in *Madagascar sous la Rénovation Malgache* (Rabemananjara, 1953). An important and original work which seeks to discover the psychological basis of the rebellion by the use of psychoanalytical materials (analysis of dreams, etc. recounted by Malagasy) and to suggest a general theory of the "psychology of dependence" is that by O. Mannoni, for many years a teacher in the lycée at Tananarive, *Psychologie de la Colonisation* (Éditions du Seuil, 1950). The trials of the nationalist leaders for instigating the rebellion (responsibility for which they have denied) were the subject of much criticism of the *sûreté* in Madagascar and the methods it allegedly used to obtain "confessions." P. Stibbe, *Justice pour les Malgaches* (Éditions du Seuil, 1954), is a book by the leading advocate for their defense which includes a number of extracts from the proceedings of the trial. As the title suggests, this is a polemic in favor of the nationalist leaders. H. de Casseville, *L'Île Ensanglantée* (Fasquelle, 1948), is a curious little book by the general commanding troops in Madagascar at the time, written in fictional form and violently attacking the administration. The report of the mission which visited Madagascar in 1950 has already been cited.

There is not much published work on the administrative problems of the island since the war, but much of the prewar literature is still of some value, especially in relation to the origins of the rebellion. On labor problems, the book by Olivier, already cited, should be supplemented by M. de Coppet, "Manpower Problems and Prospects in Madagascar," *International Labour Review* (Vol. 59, 1949). The village community or *Fokon'olona* plays an important rôle in Malagasy social organization, especially that of the Merina and the Betsilé, and an attempt has been made to harness it for purposes of social and economic development. F. Arbousset, in *Le Fokon'olona à Madagascar* (Domat-Montchrestien, 1950), gives an account of its place in Merina society and in French law and administration, and in *Les Collectivités Autochtones Rurales à Madagascar*, Part II (Recueil Penant, 1951) he describes experiments in rural betterment based on these Malagasy bodies but inspired by the experiments in the "modernisation du paysannat" in North Africa. A. Martin, *Les Délégations Économiques et Financières de Madagascar* (Les Presses Modernes, 1939), describes the activities of the prewar consultative assembly in the island, while G. Fénard, *Les Indigènes Fonctionnaires à Madagascar* (Domat-Montchrestien, 1939), gives an account of the origin and development of an important group in the administration. The volume on Madagascar in the Cahiers Charles

de Foucauld (6th Series, Vol. 21, 1951) contains an interesting article by P. Radcady-Ralassory on "Les Médecins dans les Relations Franco-Malgaches." O. Hatzfield has discussed "La France Éducative à Madagascar", in *Le Monde Non-Chrétien*, 1949. A well-informed, if somewhat conventionally "colonial" account of French administration and of the problems of the Protestant missions is that by J. T. Hardyman, *Madagascar on the Move* (Livingstone Press, London, 1950). The British occupation in 1942 is described and discussed, from somewhat different points of view, in R. Coft-Cooke, *The Blood-Red Isle* (Staples Press, London, 1953), and by the French Governor-General, A. Annet, in *Aux Heures Troublées de l'Afrique Française, 1939-48* (Éditions du Conquistador, 1951).

The proceedings of the Territorial Assembly and of its permanent committee have been published since its inauguration in 1947 (Imprimerie Officielle, Tananarive), as were those of its predecessor, the Conseil Représentatif, established in 1945. There is, besides the *Journal Officiel*, published since 1885 (Imprimerie Officielle, Tananarive, weekly), a very useful *Bulletin de Madagascar*, which publishes well-informed articles and prepared official statements on economic and social development (Imprimerie Officielle, Tananarive, monthly). The information supplied annually to the United Nations in accordance with Chapter XI of the Charter is issued in mimeographed volumes but is not published. *La Situation Économique et Sociale de Madagascar* (Notes et Études Documentaires, Nos. 1799-1801, La Documentation Française, 1953) is an official assessment at the end of 1952. The first volume of an *Annuaire Statistique de Madagascar (1938-1951)* was published in 1954 (Service de Statistique Générale, Tananarive) and a *Bulletin de Statistique Générale de Madagascar et Dépendances* has appeared quarterly since 1949 (Imprimerie Officielle, Tananarive). Annual reports in the carrying out of the development plans have been published since 1951 under the title *Plan décennal d'Équipement Économique et Social: Rapport d'Exécution de la Section de Madagascar* (Imprimerie Officielle, Tananarive).

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## BOOK REVIEWS

*Marxism: Past and Present.* BY R. N. CAREW HUNT. (New York: Macmillan Co. 1954. Pp. xi, 180. \$2.75.)

*Marxism: The Unity of Theory and Practice; A Critical Essay.* BY ALFRED G. MEYER. (Cambridge, Mass.: Harvard University Press. 1954. Pp. xx, 181. \$3.50.)

*Democracy and Marxism.* BY H. B. MAYO. (New York: Oxford University Press. 1955. Pp. xi, 364. \$4.00.)

*German Marxism and Russian Communism.* BY JOHN PLAMENATZ. (New York: Longmans, Green and Co. 1954. Pp. xxiii, 356. \$4.25.)

In the two decades between World Wars I and II, the main threat to the free world was fascism, merged with the imperial ambitions of Germany, Japan, and Italy. For a time, fascism was so successful that even in democratic states it was hailed by some as the "wave of the future" which would irresistibly conquer all rival creeds and powers. World War II destroyed the military ambitions of the fascist Axis. The strains and stresses of war revealed the hollowness of fascism's claim to have inaugurated a new way of life that combined scientific and industrial efficiency with youthful and dynamic heroism.

Yet World War II was hardly over when communism emerged as the new, and principal, enemy of democracy. At the end of World War I, when Russia was the only communist state in existence, and when her industrial and military power seemed to be low, communism was generally interpreted as a specifically Russian phenomenon without much practical applicability elsewhere. But the defeat of the *Wehrmacht* by the Russian armies in World War II revealed the extent to which the strength of Communist Russia had been underrated. When the war was over, Russia was the dominant military power in Europe, and she quickly communized Eastern Germany, Eastern Europe, and the Balkans. Though the Russian armies were the principal instruments in spreading communism, the force of communist ideology was of substantial significance. Whereas fascism did not possess a single creative or constructive idea that went beyond crass national egotism and lust for power, communism—unhampered, in particular, by the deadly burden of fascist racialism—addresses itself to the world as the true heir of the libertarian, equalitarian, democratic tradition. Also, whereas fascism proudly proclaimed its "pagan" character in relation to the democratic way of life, which it rejected *in toto*, communism appears more "heretical" in terms of the democratic tradition; it professes to accept the democratic ideals of liberty, equality, and fraternity, and its charge against Western democracy is not, as was the charge of fascism, that democracy is too faithful to its ideals, but that it has, in fact, betrayed them. Just as in religion paganism tends to be less dangerous than heresy, because the former rejects truth in its entirety, whereas the latter mingles the true with the false, so communism is, in the long run, much more dangerous than fascism ever was, precisely because communism arrogates to itself important elements of the



democratic tradition, distorted and perverted as they appear in the reality of communist life.

Communism cannot therefore be simply dismissed as another eruption of "Asia" into the West. Karl Marx and Frederick Engels derived their main inspiration from the study of German philosophy, British economics, and French revolutionary politics—and not from the social philosophy of Outer Mongolia or the political economy of Afghanistan. The Western struggle with communism is not against a geographical entity, but against a way of life which knows of no geographical (or racial) barriers. Unless one is fully aware of the fact that Marx is not an ideological meteor, erupting from outer space and exploding on an otherwise peaceful earth, but that all the elements of his thought are organic links in the main strands of the Western tradition, it will be difficult, not to say impossible, to analyze critically the whole system of Marxism in an intelligent and fruitful way. What was new in Marx was the way in which he combined individual ideas into a whole system, rather than the originality of the ideas making up that system. Moreover, Marxism has also served for many of its adherents as a sort of religion, which complicates *ab initio* any attempt to deal with it in terms of purely rational consistency or logical validity. The theory that communism is solely the product of conspiracy and terror is the product of self-deception, and is potentially very harmful. Men embrace communism, despite its known violence and ruthlessness, when no peaceful ways of social change seem to be left open, when the resources of patience, compromise, and reason appear exhausted. The Utopian element in Marxism and communism appeals particularly to those who are most in need of it, the desperate, despondent, and derelict who seek a new faith. Marxism is to them not "scientific socialism," but a religion.

Until quite recently, critical analyses of Marxism were aimed chiefly at Stalin, whose main shortcoming (not only in the eyes of out-and-out Trotskyites) seemed to be his betrayal of Lenin. More lately, the awareness has grown that much of what Stalin thought and did fitted into the Leninist heritage, and that it would be futile to exaggerate differences of detail between Lenin and Stalin at the expense of their similarity of outlook with respect to fundamentals. Now we are more and more reaching the stage where the last barrier of differentiation in the traditional study of Marxism is gradually being subjected to critical analysis: the theory that Marx was a democratic liberal at heart, only to be sadly betrayed by Lenin the despot. All four books reviewed here perform an important service for serious students of Marxism by boldly attacking Marx and Marxism (rather than Lenin or Stalin) as the principal sources of the communist totalitarian creed, which (despite occasional moments of relaxation at Big Four meetings at Geneva or garden parties at the Kremlin in Moscow) confronts the free world with a challenge more momentous and fatal than any it has hitherto had to face.

R. N. Carew Hunt is well known to students of Marxist theory as the author of an earlier book, *The Theory and Practice of Communism* (1950). In it, Hunt gave a trenchant analysis of Leninism and Stalinism against the

background of Marxist thought and the development of European socialism up to 1914. One of the reasons why Hunt felt impelled to write the new volume on Marxism was, as he candidly states in the preface (p. v), his tendency in the earlier book to be too "indulgent" to Marx and Engels. The purpose of his new book, *Marxism: Past and Present*, is to redress the balance, and to demonstrate that the continuity between Marx and Lenin-Stalin is more organic and uninterrupted than many non-communist Marxists (or even non-Marxists) still widely assume.

When Hunt speaks of Marxism in the present, he has in mind the Moscow version of Marxism exclusively. Had he gone more deeply into other—non-Leninist-Stalinist—recent and contemporary approaches to Marxism, the author would have been able to present some of the more complex facets of Marxism, which are barely touched upon in the present volume. Thus, to take but one illustration, the life and thought of Karl Kautsky, the outstanding Marxian theoretician on the European continent for almost 40 years, receive altogether inadequate attention. Kautsky's evolution from revolutionary Marxism to unflinching anti-Leninism is one of the most interesting chapters in the history of Marxian thought; Hunt's brief summary of this development (p. 169) is not so much factually erroneous in specific points as it is highly oversimplified—largely because of the lack of space to develop an important theme in a manner worthy of its intrinsic significance.

Similarly, the author charges that "although Soviet policies have aroused the hostility of the West, all socialist parties have contained groups prepared to support or at least to condone them, as is only to be expected in view of the Marxist heritage which the socialists and the communists share" (p. 173). This is another illustration of presenting things in a somewhat distorted perspective, partly because of lack of space, and partly perhaps because of a tendency to identify Marxism with socialism. To say that *some* (or *many*) socialists *accepted* in the past some key elements of Marxian doctrine, would be an oversimplification, but one which would be substantially correct. But to say that *the* socialists *share* with communists (now) the Marxian heritage is an oversimplification which, as presented, is undoubtedly more untrue than true.

As usual, Mr. Hunt's style is clear, forceful, and vigorous, apart from occasional lapses into ugly, pseudo-scientific jargon (e. g., "economic restructuring," p. 174), a jargon which originated in Germany and more recently has become a serious threat to American social science, but which so far has been successfully resisted by British scholars. Mr. Hunt's ability to master, and present, complex subjects in clear language is particularly apparent in the first four chapters of *Marxism: Past and Present*, in which he deals with the philosophical foundations of Marxism, such as dialectics, materialism, and determinism. These dreary tenets of the Marxian theology are analyzed by Hunt with considerable skill and liveliness, and the beginning student of Marx in particular will owe a debt of gratitude to the author for having reduced pseudo-philosophical pomposities to plain, intelligible English. However, it may be argued that Mr. Hunt devoted too much space (four out of ten chap-

ters) to the philosophical background of Marx' thought. Whatever claim to greatness or originality Marx had was founded on his contribution to political economy, not philosophy. Philosophical materialists and idealists have attacked capitalism for reasons which have little to do with their metaphysics, and most, if not all, of Marx' economic interpretation of history and his theories of class war and revolution can be accepted, or refuted, without reference to his philosophical beliefs. Mr. Hunt does an excellent job in showing the inherent logical, philosophical, and moral inconsistencies in the main social, economic, and political doctrines of Marx, and he always manages to blend theory and practice into a coherent scheme of analysis. And while the present volume is devoted chiefly to Marx, the author nevertheless rightly points out how the Marxian theories of state and economic organization have worked out since the death of Marx.

Mr. Hunt makes no bones as to where he stands ideologically and philosophically in dissecting Marxism. His general viewpoint reflects British common sense at its best, combined with a staunch liberality of outlook; in substance, Mr. Hunt is consistently firm, without being devoured by hatred or fanaticism. In manner of thought and expression, the author is moderate, and frequent flashes of dry and gentle humor illuminate his writing.

One major gap in Mr. Hunt's approach to an overall historical evaluation of Marxism is the relatively slight attention paid to Marxian economics. Since the days when Marx first formulated his concepts of value, surplus value, capital accumulation, and exploitation of labor, professional economists have argued, and will continue to argue, how sound Marxian economic theory is in terms of verifiable economic observation and behavior. However, what is even more important, from the viewpoint of the political scientist at least, is that those Marxian economic theories—frequently in a popularized and vulgarized fashion—became powerful political weapons in the arsenal of revolutionary movements throughout the world, in Europe and, even more, in the underdeveloped areas of the other continents. Whereas Marx dialectical materialism may have appealed to intellectuals in search of a new philosophy or faith, Marxian economics, in a simplified and sloganized version, had a tremendous appeal to masses of people for whom dialectical materialism must remain another manifestation of black magic. Yet despite such shortcomings, Mr. Hunt's *Marxism: Past and Present* is likely to establish itself as a reliable brief guide through the labyrinths of Marxian ideology, particularly with regard to its philosophical and historical doctrines.

Like Hunt, Professor Meyer has been led to the study of Marxist theory through a preceding study of Leninism; his *Marxism: The Unity of Theory and Practice* is a short book which is in some respects more general than Hunt's book, and in some respects more specialized. The book assumes a considerable familiarity with Marxism, and it does not purport to present a general analysis of Marx's thought, but is rather concerned with a few selected issues of a fundamental nature. The author does not deal helter-skelter with the vast *corpus* of Marxian doctrine, but organizes his approach in a manner which

shows both intellectual acumen and a perceptive mind strong in both analysis and synthesis.

Part I takes up two-thirds of the book, and is entitled "Exposition." The *leitmotif* of Part I of the book is that Marxism must be understood in terms of three principal characteristics. In addition to its aspiration to being social science, Marxism has two elements which have nothing to do with that aim: first, a political or moral attitude of radical criticism of social reality, and, second, "a faith which is essentially metaphysical: an unshakable belief in progress" (p. 45). The contradictions between these basic aspects of Marxism are the main theme of Professor Meyer's investigations. After a brief discussion of materialism and determinism, the author turns to a more detailed analysis of Marxian dialectics, which he analyzes and defines as a conceptual framework of functional thought. Borrowing from contemporary sociological analysis (Parsons and others), Professor Meyer argues that the functional analysis of society has much in common with Marx's dialectics and with some basic aspects of his economic interpretation. Much that the author has to say on this subject is interesting and penetrating, and it is therefore to be doubly regretted that, in making use of modern sociological analysis for the analysis of Marxian dialectics, he has also taken over much of its obtuse jargon, which characteristically emphasizes the obvious in inflated verbosity, while simultaneously lessening or concealing original or provocative ideas.

In discussing the second aspect of Marxism, its radical criticism of existing social reality, Professor Meyer relates Marxian thought to the broader framework of European thought in general, and to German thought in particular. The author emphasizes the key importance of Marx' concept of "alienation," and shows to what extent it derives from a more general cultural and literary situation of the nineteenth century, and in what way it is distinct from more contemporary approaches to the problem of alienation. As to the third basic aspect of Marxism, faith in inevitable progress, Professor Meyer manages again to show how Marxian thought evolved from, and was related to, a broader tradition in the West. One of the strands picked up by Marx from that humanist tradition, writes the author, "is an idealized image of natural man unspoiled by civilization, an idea of an altruistic, cooperative, kind, social animal with a child-like, sunny disposition" (p. 74). Yet Marx did not wish to go back to a golden age of the past, but looked forward to the future good society.

Professor Meyer shows the contradictions between Marx's faith in progress through rational use of intelligence and his concept of alienation, in which man's inborn intelligence is stultified and frustrated by distorted economic forces, such as capitalism. These internal ideological contradictions of Marxism are more fully spelled out in Part II of the book, entitled "The Disintegration of Marxism." In this last third of his work, Professor Meyer traces the development of European Marxism from 1848 to date, and shows to what extent it has been challenged from within as well as from without. The author argues that the decline of Marxian doctrine is but one instance of the vanishing out-

look of the nineteenth century with its conviction that science could both demonstrate the inevitability of progress and lead mankind along that road of progress. In this century, the author says, we have become more "stoical," and "we have no faith in any class, group, or nation, to deliver us from evil" (p. 147). In his concluding remarks, Professor Meyer notes many important parallels between the declining influence of both liberal and Marxian ideas; while such parallels contain an element of truth, they will seem overdone to some readers of the book.

In the preface to his *Democracy and Marxism*, Professor H. B. Mayo, a Canadian political scientist, frankly admits that he lacks one valuable asset in being an expert on communism, namely, former membership in the Communist party. However, he does not seem to feel overly depressed by that fact, because in his view ex-communists are less reliable guides to an understanding of democracy, "although by some curious gap in reasoning, being anticommunist is always taken as a guarantee that one is a democrat. How short are our memories of Hitler!" (p. ix). As the title suggests, the author starts out from the premise that the ideologies of democracy and communism are the two main protagonists for the mind of man in the world of today, and he therefore considers it necessary to re-evaluate the main principles of democracy in their relation to the key concepts of Marxism. Like Hunt and Meyer, Professor Mayo conceives of Marxism today largely in the version of the "Moscow orthodoxy"; this simplification omits much that would be interesting from the viewpoint of the student of the history of ideas, yet is probably defensible from the viewpoint of political effects. Occasionally, there are references and brief comments on non-Moscow versions of Marxism today, such as on Titoism, but such references are all too short to do justice to their subject. Had the author gone more deeply into Titoism and perhaps Trotskyism, his whole analysis might have gained in subtlety and complexity.

In his first chapter, Professor Mayo extensively describes, analyzes, and refutes dialectical materialism, the underlying philosophy of Marxism. After 35 pages of painstaking and patient reflection, the author concludes that Marx' dialectic of nature is totally irrelevant, and "consequently why Marxism contributes nothing to perception, philosophy, or science" (p. 36). One wonders whether he might not have arrived at the same conclusion—and with equal conviction for himself and his readers—after a briefer journey. Another aspect of Marxian theory, its claim to be scientific, more rightly deserves the detailed attention which the author devotes to it in Chapter VI.

As always, Professor Mayo treats his material with admirable fairness and sense of proportion, and while conceding that there is an element of truth in Marxian social analysis, he feels that the tragedy of Marxism consists in the fact that this element "has been elevated into dogma, a process which began with Marx himself in his self-confident youth" (p. 220). Similarly, the chapters on the economic interpretation of history and Marxism as a philosophy of history are well-balanced both in stating accurately the Marxian position and in presenting its analysis and critique from the viewpoint of a reasonable, reflective liberal mind *sine ira et studio*.

Professor Mayo's chapters on the class struggle, the dictatorship of the proletariat, and the relationships of Marxism to morality and religion are even more interesting to the student of political thought than is his treatment of the more philosophical aspects of Marxism. Particularly, his chapter on Marxism's relations to morality and religion contains many thoughts which are illuminating and provocative. The author not only comments on the Russian Orthodox Church, but also makes some very shrewd and penetrating remarks on the vulnerable position of many religions and churches in the West with regard to the issues posed by industrial capitalism, and so long neglected by the churches. Probing more deeply, however, Professor Mayo finds that the gulf that separates Marxism from Western religions is due not so much to different approaches concerning the social problem as to the much deeper spiritual differences concerning the conceptions of the nature and destiny of man.

The last two chapters deal with democracy and its relation to Marxism. The chapter on democracy, while not containing anything strikingly new, is a fresh and useful summary of the various approaches—moral, political, and economic—toward an integrated theory of democracy. The author's comments on the relations of democracy to forms of economic organization, be they capitalist, socialist, or a mixture of the two, are timely and free from hysteria and bias. He also devotes considerable attention to the problem of what to do with subversive, revolutionary parties in Western democracies. This is a complex issue, for which there are no final answers valid under all circumstances, and Professor Mayo successfully avoids any extreme positions or solutions. His words of warning, coming from a friendly student and observer of the United States, express his anxiety lest a "creeping miasma of intimidation" spread throughout the free world under the guise of anti-communism: "The totalitarian and conformist spirit is abroad in the West, notably in the United States, a country where above all others it should find no home, a country whose chief traditions are dissent and variety. It is sad and disturbing to see the wealthiest and most powerful liberal society in the world so lacking in a sense of security and self-confidence that it appears to all its friends abroad to be frightened far more by 'subversive' ideas than by the real danger of espionage" (p. 317).

All in all, Professor Mayo's book is a welcome contribution to the study of Marxism; it is broader in scope than either of the two books reviewed above, and it will appeal to the general reader or the beginning student of Marxism and communism, who wants to know what it is all about, and how the liberal democrat can most intelligently and effectively meet the ideological challenge of Marxism and communism. The style of the book lacks perhaps fire and verve, but it gradually builds up strength on the scores of clarity, fairness, restraint, and moderation. It is not simply another book on, or against, communism, but an appraisal of some of the most pressing spiritual, social, and political problems of our day in the light of the great ideological antagonism that pervades the contemporary world.

John Plamenatz' *German Marxism and Russian Communism* overlaps to some extent the material covered in the three volumes reviewed above; yet such overlaps do not minimize the importance of the book, as its principal aim is

rather different from that of the other three works. What Mr. Plamenatz (a teacher of political philosophy at Oxford University) tries to do is two-fold: first, to show how Marxism, despite its liberal origin, has come to deviate from that source; second, to examine what happened to German Marxism following its spread to the most backward of the great European states, Russia, both before and after the Bolshevik Revolution of November, 1917. It might be argued that the author overstates the liberal origins of Marxism; although such links undoubtedly exist, Marx's opposition to that heritage, rather than his indebtedness to it, is possibly the more important factor in an appraisal of Marxism. Mr. Plamenatz holds that what makes Marxian social theory an alien and repugnant creed to Englishmen, Frenchmen, or Americans, is not so much the doctrinal content of Marxism as the kind of emotions expressed through it. This view is defensible up to a point, but on balance probably more wrong than true. German Marxism has historically differed as much from Western socialism as the whole German political tradition, its institutions and ideas, have from the Western political tradition. If Mr. Plamenatz were to study the history of German liberalism as contrasted with that of English liberalism, he would find that the differences were not much less than in the case of German Marxism in relation to Western socialism.

Unlike most other writers on Marxism, who heroically wade through the morass of Marxian philosophy, particularly dialectical materialism, Mr. Plamenatz has the courage of his conviction to state quite frankly that he has no intention to do so, because "Marx's philosophy, as distinguished from his theory of society, is not worth discussing" (p. 9). The author does not stick literally to this approach, but contents himself with analyzing only the very basic points raised by dialectical materialism for the professional student of social, economic, and political problems. In the opinion of this reviewer, Mr. Plamenatz is quite right in emphasizing that there is no necessary connection between Marx' philosophical materialism and his economic interpretation, and that, in any case, Marx was no philosopher, although in the fashion of contemporary German intellectuals, he dabbled in philosophy, particularly as authoritatively expounded by Hegel.

Briefly disposing of the philosophical foundations of Marxism, Mr. Plamenatz devotes the bulk of Part I to Marxian theories of politics and economics. The material is systematically arranged, and the author examines how the economic and political analyses and predictions of Marx have worked out in practice, in his own life-time as well as in the subsequent period. One of the most valuable sections in the first half of the book dealing with German Marxism is the chapter on "The Marxian Analysis of Capitalism." Here, the author covers much ground in greater detail than any of the three books reviewed above. Though Marx's account of the capitalist system, the author concludes, "will not bear too close analysis it is something altogether more impressive than historical materialism. It is more impressive because it is more humane, because it is inspired, not by German metaphysics, but by pity and indignation" (p. 114).

Before turning to the migration of German Marxism to Russia, Mr. Plame-

natz examines "The Decay of German Marxism." In this relatively brief chapter, he shows both the loss of vitality and relevance of Marxism throughout the late nineteenth and early twentieth centuries in Germany, and how the German Social Democrats were unable to resolve the conflict between verbal incantations of Marxian dogmas and the needs and policies of real life. Mr. Plamenatz thinks that the German Social Democrats would "have done well to follow the lead of Bernstein, for, had they done so, they might have become resolute Revisionists and not remained irresolute Marxists" (p. 184). Though the conditions for a proletarian revolution existed in Germany, at least as seen by Marx, there was no desire among the workers to make it; conversely, Mr. Plamenatz argues, precisely because the "objective" conditions for a successful proletarian revolution as envisaged by Marx did not exist in Russia, "Lenin was able to seize power in the name of Marx and the proletariat" (p. 187).

In dealing with German Marxism, the author devotes most of his attention to a critical evaluation of the main ideas inherent in Marxism, providing only a minimum of historical and social background. In dealing with Russian communism, by contrast, Mr. Plamenatz follows the opposite method: he gives a very full picture of the social, economic, and political conditions in Russia in the late nineteenth and early twentieth centuries, and then shows how the ideas of Marx were transplanted to Russia and used by a group of revolutionaries bent on the conquest of political power. Mr. Plamenatz feels that this difference of approach is justified, because he considers Marx a thinker of major importance but is unable to do so in the case of Lenin, whom he considers no more than a practical politician and successful revolutionary leader. This difference of approach has its merits, although—in the opinion of this reviewer at least—Mr. Plamenatz overstates his case. While nearly every non-communist will agree with Mr. Plamenatz that Joseph Stalin was completely unimportant as an original thinker, and that he did not make a single contribution to the theory of Marxism, there will be more disagreement concerning Lenin. Mr. Plamenatz dismisses Lenin's concept of the professional revolutionary, as first expounded in his pamphlet *What Is To Be Done?* (1902), in a manner which sharply conflicts with the opinion of the majority of present-day students of communism. Moreover, it is doubtful whether communism could have appealed to so many in the underdeveloped countries had it been presented to them in the original Marxian version rather than in the Leninist transformation. This communist challenge to the free world via the underdeveloped areas has long been underestimated, and one need not follow the General MacArthur-Senator Knowland school of thought to comprehend the danger of underestimating the impact of Leninist communism on Asia and Africa in particular.

Concerning the possibility of coexistence with communism, Mr. Plamenatz attributes to the leaders of world communism an international outlook which some readers will find a little too optimistic. Mr. Plamenatz' general conclusion is that the best hope for staving off conflict is for the Western countries to put their own houses in order, to build up strong economic systems resting on sound and equitable social foundations, and to lend generous assistance to Asian and African peoples, so as to make them less vulnerable to the impact



of communist propaganda. Few will quarrel with his general viewpoint that, in the long run, the best answer to communist propaganda is not more counter-propaganda, but the living example of a free world, morally conscious of its purpose, economically healthy, socially just, and militarily strong.

All four books reviewed above, fair and scholarly as they are, tend to emphasize what is wrong with communism, particularly its ideological foundations. The question of how ideas so manifestly dogmatic, contradictory, and erroneous can exercise such a tremendous appeal to so many is largely left unanswered. As yet, we know very little of the psychological motivations inducing an individual to embrace communism, or of the social forces which incline groups, classes, and nations toward the communist ideology. The conventional study of political theory may not suffice in trying to find answers for such questions, and new resources and disciplines, new types of inquiry and research may have to be used.

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*The Commission on Intergovernmental Relations: A Report to the President for Transmittal to the Congress.* (Washington: Government Printing Office, 1955. Pp. xi, 311. \$1.25).

A *Description of Twenty-five Federal Grant-in-Aid Programs* (Pp. vii, 179); A *Staff Report on Civil Defense and Urban Vulnerability* (Pp. viii, 35); A *Staff Report on Federal Aid to Airports* (Pp. viii, 137); A *Study Committee Report on Federal Aid to Agriculture* (Pp. vii, 38); A *Study Committee Report on Federal Aid to Highways* (Pp. viii, 40); A *Study Committee Report on Federal Aid to Public Health* (Pp. viii, 53); A *Study Committee Report on Federal Aid to Welfare* (Pp. ix, 115); A *Study Committee Report on Natural Resources and Conservation* (Pp. vii, 35); A *Study Committee Report on Payments in Lieu of Taxes and Shared Revenues* (Pp. ix, 97); A *Sub-Committee Report on Natural Disaster Relief* (Pp. vii, 34); A *Survey Report on The Impact of Federal Grants-in-Aid on the Structure and Functions of State and Local Governments* (Pp. vii, 489); An *Advisory Committee Report on Local Government* (Pp. vii, 62); *Summaries of Survey Reports on The Administrative and Fiscal Impact of Federal Grants-in-Aid* (Pp. xi, 120). SUBMITTED TO THE COMMISSION ON INTERGOVERNMENTAL RELATIONS. (Washington, D.C.: Government Printing Office, 1955.)

To an outside observer it has always seemed surprising that Americans for so long have, apparently, taken their federal system for granted. The Australians, after a little more than 25 years' experience with their federal Commonwealth, set up a royal commission to inquire into its working;<sup>1</sup> the Canadians did the same, though after a much longer period of 70 years.<sup>2</sup> Many Australians and

<sup>1</sup> Appointed 1927; reported 1929.

<sup>2</sup> Appointed 1937; reported 1940. Known as the *Report of the Commission on Dominion-Provincial Relations* (Rowell-Sirois Report).

Canadians believe that their federal systems are out of date and ought to be abolished, that unitary government with some measure of provincial decentralization would work better. And, although Canadians—and Canadian politicians particularly—know that they cannot abolish federalism until Quebec acquiesces, in Australia a major political party which has held office—the Labor party—has the abolition of federalism as a plank in its platform. Yet can we conceive of such a plank in the platforms of the two great American parties, comprehensive and all-embracing as those documents usually are? American politicians would be as likely to advocate the abolition of monogamy as they would the abolition of the federal system. Indeed, their attitude—and that of most Americans—to both institutions is much the same. They know that a few cranks believe in their abolition; they admit that there are minor and even major infractions of the legal principles of both; but in the end they assert that they believe in these institutions and that they must be regarded as sacrosanct.

Nor, in my view, is there any necessary lack of political wisdom in this American attitude toward federalism. After all, a people which fought a war between the states about the meaning of federalism will appreciate the commonsense of leaving these things well alone. Yet the student may be pardoned for regretting that the country which invented federal government as we understand it today and which produced, in the *Federalist* papers, the most penetrating and the best written analysis of federalism, chose to remain silent on the subject thenceforward. Thus it was that the appointment of the Commission on Intergovernmental Relations in 1953 was received with great satisfaction by many people outside the United States who, while agreeing with the opening words of the Commission's Report that "the United States has made a major contribution to the art of government by its successful operation of a federal system," (p. 1), would feel also that, again in the Commission's words, "even in the country of its origin, our federal system may still be regarded as an experiment, although we have the oldest representative republic in the world" (p. 12).

And now that the Commission has completed its labors, students not only of federalism but also of political science everywhere have great cause for satisfaction. In the Commission's Report itself, but even more in the 15 accompanying volumes of special study reports, an enormous treasury of valuable material has been displayed which will occupy and enlighten those who really wish to know how American federalism works for many years to come. Senator Morse, a member of the Commission, in a dissenting note to the whole Report remarked: "it is my view that Part I of the Report will prove to be a very valuable reference work in political science and law courses given in colleges of the United States" (p. 277). Praise of this kind from a practical politician is, perhaps, faint praise and could not be expected to give great pleasure to his colleagues on the Commission. But as an academic student I am prepared to adopt his words and to extend them beyond Part I, which is a masterly survey of the leading elements in American federalism, to Part II, where intergovernmental functional responsibilities are considered, service by service, and I

extend them still further by saying that this Report should be required reading for students of political science and law, and indeed of sociology, public finance, and economics in many countries other than the United States. We can be sure, in fact, that it will be studied with great care in universities as far apart as Canada and India, Nigeria and Australia, the British West Indies and the Gold Coast. Whatever its political fate may be, its academic interest and influence are assured.

It is impossible in a short review to deal with all the issues which so wide-ranging a Report must raise, and I must select. May I begin by recording two points which the Commission emphasized more than once and which struck me with startling force. The first might be called the decline or, if you like, eclipse of the Supreme Court as a major factor in preserving the federal system. "Under present judicial interpretations of the Constitution, especially of the spending power and the commerce clause," the Commission wrote, "the boundaries of possible National action are more and more subject to determination by legislative action. In brief, the policymaking authorities of the National Government are for most purposes the arbiters of the federal system" (p. 59). We have gone a long way from the observation of Alexander Hamilton that "it will always be far more easy for the State governments to encroach upon the national authorities, than for the national government to encroach upon the state authorities."<sup>3</sup> The survival of the states depends apparently upon the self-restraint of the national government.

But are the states fit to survive? Hamilton spoke of the greater degree of influence which the state governments will generally possess over the people "if they administer their affairs with uprightness and prudence."<sup>4</sup> And it is on this subject that the Commission makes the second point which impressed me. State government is in great need of reform. Too few have responded to the call to revise their constitutions, to modernize their legislative processes and procedures, to reorganize their executive branches, to make more extensive use of interstate compacts and other methods of interstate cooperation, to reorganize their tax systems, to maintain adequate planning and resource agencies, and to extend home rule to their political subdivisions. Nowhere in the democratic world has the decline of legislatures, of which James Bryce wrote 30 years ago in his *Modern Democracies*, been more marked than in the American states. "In the early history of our country," says the Commission in its Report, "State legislatures were the most powerful and influential instruments of government in the Nation. It was to them that the average citizen looked primarily for initiative and wisdom in the formulation of public policy on domestic issues. They overshadowed the other branches of State government. In power and influence they are no longer as dominant as they were, partly because of the ascendancy of the National Government, partly because of the increased influence of the State executive but primarily because they

<sup>3</sup> *The Federalist*, No. XVII.

<sup>4</sup> *Ibid.*

have not found effective solutions to problems that become more chronic and more difficult to cope with in a rapidly changing society" (p. 38).

In the face of these two formidable facts of American federalism—the abandonment by the Supreme Court of its role of arbiter of the federal system<sup>5</sup> and the disorganization of state government—at least two lines of thought can be followed. The first is to accept the situation and to acquiesce in the decline of the states into administrative provinces of a national government and to see the future reorganization of American government along lines of functional regionalism such as T.V.A., or interstate organizations sponsored and coordinated by agencies and departments of the national government, improvising new institutions and techniques as new situations arise. Already, as many of the study group reports made for the Commission illustrate, there are examples of this way of proceeding, and the future might see them further developed. We need not envisage that the states will wither away, but in the planning of administration, they need be regarded as no more than one among a number of possible institutions through which the decentralization of administration may be organized.

To an academic outsider there is nothing necessarily defeatist or excessively centralizing in this line of thought. But it was not to be expected, I suppose, that it would appeal to the practiced and practicing politicians among the Commission's members. They chose the view that the states must be made fit to survive as units in a federal system. "Experience amply justifies the view," they said, "that our federal system, with the degree of flexibility that it permits, can be adapted to the crises of the present and future as successfully as it has been to those of the past." "The enduring values of our federal system fully warrant every effort to preserve and strengthen its essence" (p. 3). Not even Senator Morse in his strong dissenting note, where he asserts that the Report "goes too far in playing down the doctrine of federal sovereignty" (p. 278), is prepared to say that the federal principle is obsolete. Yet reading between the lines of that note one sees that he is prepared for considerable modification so that "the several states and the federal government should approach issues involving national interests on a co-ordinated and co-operative basis." "We cannot escape the fact," he writes, "that the general welfare of our people as a whole cannot be dissected according to state lines" (p. 279).

One can see the difficulties which confronted the majority of the Commission and discouraged them from making recommendations with the emphasis which Senator Morse desired. After all the states are not merely legal facts, they are political facts, they are strongly organized units of party politics. Yet it must be admitted that when the Commission comes to make specific recommendations to ensure that the federal principle may work as a reality, they are obliged all too often to fall back upon vague generalizations and aspirations. States and national governments are urged to behave better. "A fundamental objective of our system of government should be to keep centralization to a minimum and

<sup>5</sup> See statement by Governor Driscoll and other members of the Commission on this point, p. 60, note 2.

State-local responsibility to a maximum" (p. 116). "The Commission believes that each State should undertake a searching reappraisal of its fiscal policies" (p. 117). "... particular care should be taken that Federal requirements extending to matters of State administrative structure and organization do not impede responsible and efficient State administration" (p. 139). And so on. A fine collection of hortatory maxims and earnest hopes could be amassed by the connoisseur of such language.

And yet what else could be said, once it was decided that the traditional structure must be accepted and somehow made to survive and to work? And, of course, there are specific recommendations in great numbers in Part II of the Report as the various services where state and federal authorities encounter each other are examined. But the general impression of the whole Report is that the Commission was forced to recognize that the clock could not be put back. The national government has been delivering the goods—goods which, left to themselves, state governments could not or would not deliver alone. Alexander Hamilton wrote: "Upon the same principle that a man is more attached to his family than to his neighbourhood, to his neighbourhood than to the community at large, the people of each State would be apt to feel a stronger bias towards their local governments than towards the government of the Union; unless the force of that principle should be destroyed by a much better administration of the latter."<sup>6</sup> The wisdom of this last proviso is strikingly illustrated by the trends in American federalism in this century. One valuable effect which the Report may have is to send its academic readers, at least, back to the *Federalist*. What wisdom and prescience its authors exhibited; what clarity and perception and profundity, what common sense! And how superbly they wrote English in those days!

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*Essays in the Public Philosophy.* BY WALTER LIPPMANN. (Boston and Toronto: Little, Brown and Company. 1955. Pp. ii, 139. \$3.50.)

Walter Lippmann's latest book will be read by everyone who is concerned with the current state of American political philosophy. The author's views have not changed greatly with the passing of years, and there is little here that is not already to be found, by statement or by implication, in *The Good Society* and other earlier works. But the economic preoccupations which loomed so large in the writings of the depression period no longer occupy the center of the stage, and the focus of the present work is clearly political. At the present juncture of history the capacity of the free world to withstand the pressure of totalitarian competition would seem, for the time being at least, to be more severely challenged on the political than on the economic front. This has led Lippmann to formulate, more clearly and succinctly than ever before, the basic elements of his political creed. Although the present book is short, it is compactly written in the clear and graceful style for which the author is so justly famous, and it

<sup>6</sup> *The Federalist*, No. XVII. My italics.

manages, in a short compass, to cover a great deal of ground. It will therefore serve as an admirable summary of, or for those who come to it afresh, as an equally admirable introduction to the political philosophy of one of the more influential and honorable guardians of the contemporary American conscience.

This political philosophy is essentially a conservative one. This is said in all deference, and in full knowledge of the fact that Lippmann himself disowns this designation. At a time when all sorts of demagogic nonsense are being passed as true conservative coin, it is understandable that a man of good will should want no part in the game. But the word conservative, though sadly depreciated, is not intrinsically unrespectable. There have always been people, including many people of intelligence, who valued quality above quantity, and who believed that traditionally organized elites are indispensable to the maintenance of qualitative values in a society threatened by the weight of mere numbers. Such people have normally been known as conservatives. Walter Lippmann is one of them.

In *The Public Philosophy*, as in most of his other works, the author's basic problem is to reconcile his continuing commitment to the procedures of constitutional democracy with his profound disbelief in the political capacity of ordinary men. Some 30 years ago, in *Public Opinion* and *The Phantom Public*, this disbelief was already clearly present, and if anything it has grown stronger with the passing years. The general run of men, when left to their own devices, are intellectually incapable of seeing what needs to be done, and morally incapable of subordinating private to public interests. But the trend of modern constitutionalism has been to place decisive powers in the hands of mass electorates. Lippmann recognizes the impossibility of reversing this trend, and explicitly disclaims the wish to see anyone deprived of the right to vote. How then can constitutional democracies be kept from succumbing to the selfishness and incompetence of voters?

Enlightened leadership, and more particularly enlightened executive leadership, is Lippmann's solution to the problem. From the standpoint of actual decision-making, electorates are hopeless, and their legislative representatives, whose functions are largely those of agents or advocates, are little better. In any given time and place, however, there may be men of outstanding knowledge and character who, by reason of their superior intellectual gifts and training, are able to perceive and satisfy the needs of society in a spirit of disinterested public service. Such people are characteristically to be found in the executive and judicial branches of government. The courts, the civil and military services, the scientific and technical services, and other like organizations are traditional bodies guided and inspired by standards of professional competence and objectivity. Even when the chief executive, as under the conditions of modern constitutional democracy, is an elective officer, he is not or ought not to be reduced to the plight of a mere legislator. "Though it is not too well recognized, there is a radical difference between the election of an executive and the election of a representative" (p. 53). The reason is that "the executive is in honor bound not to consider himself as the agent of his electors," but to devote himself to the best of his abilities to the interests of the country as a whole. The ideal constitu-

tional democracy would be one in which the electorate, recognizing its own incompetence in these matters, abandoned all attempt to dictate specific political decisions, and limited its activity to the election of a trusted executive who, with the advice and aid of the professional public servants, would enjoy full responsibility for the conduct of government. According to Lippmann, nothing short of this can suffice to inoculate constitutional government against "the malady of democratic states."

This is the main theme of the first part of the book, and it provides the author with the occasion for a thorough castigation of the contemporary democratic world. When constitutional government first saw the light, the franchise was narrowly limited. Power and responsibility rested in the hands of an educated elite which respected the claims of the intellect. The moral viewpoint of this elite was still dominated, moreover, by "the public philosophy," a modern version of the great natural law tradition, which emphasizes the capacity of human reason to discover objectively valid rules of justice, and thus provides a rational ground for determining what is or is not in the public interest. As long as the Western world remained true to this heritage, it was unassailable. From the time of the Jacobins onward, however, the public philosophy has been increasingly discredited by the attacks of moral relativists, who deny that there is any such thing as an all-embracing public interest, and rely on will rather than reason for the determination of public policy. The result, when combined with the 19th-century shift of power from restricted to mass electorates, was catastrophic. Unrestrained by any decent respect for reason and the public welfare, voters insisted on subordinating executives to legislatures, and used their power over elected agents to dictate selfish and short-sighted policies to the rulers of states. Wickedness and folly thus compounded cannot long endure. Ever since 1914 the democratic world has been going from bad to worse. Where once it was unassailable, it is now fighting for its life against the great and growing strength of new rivals for world mastery. Thus painfully and inexorably does history pass judgment on those who neglect to follow the true principles of government.

The only way out of these difficulties, and this is the final message of Lippmann's book, is to return to the public philosophy. In a society where all values are thought to be relative, it is hard for leaders to find the moral courage to cleave to the public interest, and equally hard for them to gain the confidence and respect of the masses. By encouraging philosophic relativism, the intellectual leaders of the West have gone a long way during the past 150 years to destroy the foundations of constitutional government. But the damage they have done, though great, is not necessarily irreparable. If the "men of light and leading" abandon their philosophic errors, and return to their proper task of teaching the public philosophy, all may yet be well. Inspired by a true respect for human reason, rulers may once again be restored to a state of intellectual and moral soundness which will enable them to deserve, and to receive, the willing confidence of mass electorates. Only thus can the waning "mandate of heaven" be restored to constitutional democracy.

Despite the eloquence and skill with which the argument is presented, the present reviewer is bound to confess that he finds it unconvincing. The difficulty, in his opinion, is not so much that Lippmann's position is untrue as that it is a half-truth exaggerated to the point of hopeless distortion. Few sensible men would deny that the problem of securing effective long-range leadership is one of the basic issues of constitutional government, and that the success of many modern democracies has been gravely compromised by failure in this direction. It is also reasonably obvious that free government depends on the existence of a certain general consensus with regard to the permissible methods and purposes of political action, on the existence, if you like, of a common public philosophy, and that the inability of some democratic states to establish or maintain an adequate consensus of this sort has impaired or destroyed their efficacy. But to go beyond this point, and to say that a restoration of earlier natural law principles is the only way to save the free world from disaster, is to exaggerate both the extent of the existing evils and the efficacy of the proposed cure.

Consider, first, Lippmann's distressingly eloquent picture of the plight of modern democracy. From his account one would gather that selfish and short-sighted electorates were everywhere on the rampage, contemptuously disregarding the advice of all qualified experts, and ruthlessly using their agents, the legislatures, to extort special privileges from cowardly or impotent executives. One would think that modern nations were little more than bear-gardens of warring special interests, each undeterred by any essential sense of or respect for the general interest. If this were so, the free world would indeed be in a bad way. It must be admitted that this Hobbesian picture of the war of all against all has in some measure been approximated in certain special cases, in pre-Hitler Germany, for example and, to a lesser extent, in prewar and postwar France. Where such conditions have prevailed, constitutional government has been able to operate with difficulty, or not at all. But to take this as a description, however approximate, of the political life of Great Britain, or even of the United States, is quite impossible. In these and many other constitutional states, democracy is still a going concern. Their governments have made mistakes, like other governments of the past, of the present and, if one may venture a prediction, of the future. But in these states it still remains true that conscientious and intelligent leadership, both executive and legislative, does in fact arise with reasonable frequency, and that when it arises it proves capable of gaining acceptance from an electorate by no means wholly deaf to considerations of the public interest. There is some reason to believe, indeed, that the public power and prestige of professional experts may tend to rise rather than to fall under the conditions of democratic government, and that the gravest threat to its continuation may lie not in the tendency to usurp but in the tendency to lose effective control over the performance of expert functions. Be that as it may, the fact remains that the free world as a whole is by no means bereft of moral and intellectual resources, and there is no reason to believe that these resources are declining. If the relative strength of the West in the



world at large has declined in the present century, this is due far more to the increase in the strength of its totalitarian enemies, a strength based on the development of new techniques of political coercion and control, than to any decline in the potentialities of constitutional government itself. The rise of democratic electorates has certainly given rise to many new problems. But to follow Lippmann in saying that it has made constitutional government unworkable in its present forms is to go well beyond the evidence.

And if Lippmann's "malady of democratic states" is largely chimerical, so likewise is his proposed remedy. The natural-law tradition has undoubtedly played a significant part in the development and formulation of the Western ethical tradition. In the current re-examination and reaffirmation of the values of a free society, this is well worth reconsidering. But natural law, in the simple and nondogmatic form in which it has been commonly accepted, has never been sufficiently specific in content to provide a noncontroversial answer to actual political issues. Insofar as it encourages people to approach value judgments in a spirit of rational and disinterested inquiry, it can still serve a useful purpose. The fact remains, however, that even when men were united by a conscious devotion to natural law principles, they were regularly divided by the widest disagreements as to the practical application of those principles. Thus the public philosophy is no panacea for the political ills of our own or indeed of any other day. If our "men of light and leading" are to deserve well of the Republic, they will do well to apply themselves to the invention of acceptable solutions to concrete problems, rather than to spend their time in the propagation of general truths which have long been early self-evident to ordinary men.

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*The Study of International Relations.* BY QUINCY WRIGHT. (New York: Appleton-Century-Crofts, Inc. 1955. Pp. ix, 66. \$6.75.)

Setting off from the premises that international relations is still a discipline in process of formation and that its subject matter is in process of rapid change, Professor Wright has undertaken the brave and challenging task of imposing order on the chaos of this singularly ill-defined field. All those who are working in the international sphere must welcome the strides toward order which he has made, even though there may be legitimate doubts as to whether the elusive and far-flung materials with which he is dealing will stay disciplined within the categories and distinctions he has so amply provided.

There can be few, if any, fields whose boundaries, and hence whose content, are as inadequately established as those of international relations—even though it may be that political science itself runs in a close second and suffers from some of the same troubles. It is a field, as Professor Wright points out, to which concentrated and coherent attention has been devoted only in fairly recent decades, and it has unquestionably grown and matured in Topsy fashion. Perhaps peculiarly in the United States with its frequent moralistic bent and its tendency to indulge in sweeping swings of academic fashion, international relations

has shot up since World War I in a proliferation of courses, institutes, and king-size research projects.

The basic problem in connection with the field is very obviously not that there is any dearth of materials which would be generally acknowledged as germane to it, but rather that it sprawls amorphously over so large and varied a domain as to stagger the imagination and place it well beyond the grasp and comprehension of both student and teacher. Although a number of efforts have been made to give it intellectual coherence, it cannot be said that any has as yet been sufficiently persuasive to win general acceptance. While there is considerable agreement on a rule of thumb basis as to some of the central elements of the discipline, there is still a great range of disagreement as to how wide a sweep it must be assumed to cover and particularly as to a general hypothesis or conceptual scheme about which its disparate parts might be organized. In brief, there is a huge and shapeless accumulation of important materials, and there is the lack of a unifying principle which would give them meaning and more than episodic intelligibility.

It is to these problems that Professor Wright has turned in the present book. In seeking an answer to them he has adopted a catholic and encyclopedic approach which acknowledges diversity and multiplicity, arranged within what seemed, at least to this reviewer, a somewhat bewildering array of classifications, categories, divisions, and subdivisions. Certainly the end result is not to reduce the discipline within manageable proportions. Seeing international relations, in terms which recur throughout, as at once history, philosophy, science, and art, he suggests that an effort to synthesize the studies is important for it "appears to approach the ambitious task of synthesizing all the disciplines—humanistic, social, and natural . . . [and] resembles the effort to unify all knowledge." His own pages can be accused of no niggardliness in the matters with which they deal. He examines, for example, in two central sections of his book no less than 16 disciplines—10 classified as practical, and six as theoretical—which are embraced within the overall discipline of international relations, and to each he devotes from 10 to 20 pages in a set succession of Definition, Assumptions, Analysis, and Criticism. That the author has set no slight limits to his coverage is indicated by a disquisition on literary criticism, within the discipline of International Communications, which sets off from the *Poetics* of Aristotle and includes the mildly surprising judgment that "from the point of view of international relations, literary criticism is undoubtedly important."

To attempt to probe very deeply in brief chapters into such large matters as the art of war, international law, or the sociology or technology of international relations is an almost hopeless enterprise and inevitably involves covering much familiar ground. The more rewarding task, even though Professor Wright rightly sees it as a monumental one, is the creation of "some general hypothesis, conceptual system, or model" which would serve to give the discipline as a whole a logically consistent structure. Here the author takes as his framework five different conceptions of the world, each of which might be broadened and formalized, he suggests, so as to integrate the relevant disciplines. The five

which he puts forward are the world as plan, as equilibrium, as organization, as spiritual community, and as field. Of these is the concept of a field, "constituted by the *relations* of the relevant *entities*, *forces*, *sentiments*, and *processes*" (italics his), which he develops as providing the best approach to the study of international relations. As a bloodless and scientific concept it is evident that such an approach lends itself to objective analysis of a sphere all too colored by both passion and partisan interests; but it is open to question that it can stand up against the competition of more dynamic approaches such as that of the concept of power.

One final issue which might be mentioned is the always thorny question of the role of value and value judgments in the espousing of a discipline. With some apparent hesitation, Professor Wright has included among the criteria to be applied in weighing the generalizations of international relations the proposition that they "should be so presented as not to discourage belief in, and observance of, the best values." It is, of course, a truism of all the social sciences that the values which men hold are themselves facts of the first order of importance and work very significantly to affect the bearing of other facts of a more identifiably material variety; but this is a very different proposition from the one here advanced by Professor Wright. There would be many, certainly, who would contend that it is not a proper function and responsibility of the worker in even so dubiously scientific a discipline as international relations to guide his footsteps in such a way as not to tread upon "the best values," even if it be assumed that such values are objectively determinable. If a single illustration of the dilemma may be given, Professor Wright in his discussion of the discipline of colonial government establishes it as one of the underlying assumptions that the governing authority should give primary consideration to the interests of the inhabitants of the area and the interests of the world community with only secondary consideration to its own interests. Eminently desirable as this proposition may be in its own right, can it be legitimately advanced as an underlying assumption? On the face of the historical record it would appear to be more frequently an extraneous consideration than one which has been central to colonial government, and surely it is a matter to be examined by the student or researcher rather than an assumption to be laid down for him before he starts.

RUPERT EMERSON.

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*The United Nations and the Maintenance of International Peace and Security.*

By LELAND M. GOODRICH AND ANNE P. SIMONS. (Washington, D. C.: The Brookings Institution. 1955. Pp. xiii, 70. \$6.00.)

Under the leadership of the late Dr. Leontyevsky, the Brookings Institution in 1951 planned a series of seven volumes, each of them to constitute a separate study of a major feature of the United Nations system. This volume is the first of the group to be published. Students of the United Nations will find it to be a scholarly treatment of the subject which it covers and will look forward to the other six volumes.

Three principal aspects of United Nations activities in the maintenance of international peace and security are treated by the authors: (1) the peaceful settlement of disputes and situations; (2) the use of collective measures in threats to or breaches of the peace; and (3) the regulation of armaments. The discussion of these topics is preceded by three introductory chapters (brought together as Part I of the book) setting forth the framework of international politics within which the United Nations has been obliged to operate; they will not be illuminating to most readers, for only persons with a substantial background will be tempted to read the other 20 chapters, crammed as they are with technical information and analyses.

Except for the first three chapters, the book is well-documented; the authors have based their information almost entirely on the official publications of the United Nations. Frequently their discussions of the authority and procedures of the Security Council and the General Assembly are compared with those of League of Nations organs, and not always to the advantage of the former. Prevailing practices in such matters as the submission of questions to United Nations organs, the decision to consider or not to consider those questions, the clarification of issues, fact-finding agencies, negotiation between the parties, mediation, and conciliation are expounded cautiously and effectively. Controversial aspects of these practices are elucidated dispassionately, and usually proponents and opponents are identified. The authors present their own views on many matters, sometimes in brief statements at the end of chapters, and more particularly in the final chapter entitled "Summary and Evaluation." Generally their views are soundly based on the facts and information which have been presented, and will appeal to the reader as thoughtful, unbiased, and often constructive. Appendices to the book include such documents as the Charter of the United Nations, the Rules of Procedure of the General Assembly, the "Uniting for Peace" Resolution, and the Provisional Rules of Procedure of the Security Council.

Some of the generalizations drawn by Mr. Goodrich and Miss Simons are confirmatory of those often made by observers and scholars who have not had the wealth of information presented in this volume on which to base their thinking. For instance, it is generally understood that the experience of the League of Nations has been heavily drawn upon by the United Nations in the determination of useful methods of procedure. Well understood too are (1) the diminished role of the Security Council in the maintenance of peace and the increased importance of the General Assembly, (2) the limited utility of the organization in dealing with problems of the cold war, (3) the tendency to fall back on regional collective measures as those of the United Nations have failed to mature and prove themselves, and (4) the rather meager contributions of the International Court of Justice to a more stable order. These conclusions and others like them are nevertheless an asset to the book, for they are well-reasoned and solidly grounded on facts.

Other conclusions and opinions are less commonplace, and whether they elicit the agreement of the reader or not, they will help him to get an improved

perspective on the United Nations. Among them are the following: (1) a need exists for "more consistency and less ambiguity" in inviting states not members to participate in discussions; (2) efforts of the Security Council by investigation to obtain facts in disputes and situations have met with "very limited success" for reasons discussed at some length; (3) the veto has not been an obstructive factor of significance in the treatment of disputes or in the regulation of armaments; and (4) the actual practices of the Council "bear little relation to most of the refinements and details of method and procedure prescribed in the Charter."

Even admitting the authors' overall opinion that "The record of the United Nations in maintaining international peace and security cannot of course be viewed with complete satisfaction or optimism," the reader will be impressed by the tenacity with which the organization works on the problem both in a general way and in concrete cases. He will be struck too by the resourcefulness of the Security Council and the General Assembly in devising procedures and adapting them to their purposes regardless of Charter provisions. That the record of the United Nations is not better is due primarily to the East-West split in present-day international relations, as the authors so often assert; it is not the result of indifference or indolence.

NORMAN HILL.

*University of Nebraska.*

*The Political Economy of American Foreign Policy: Its Concepts, Strategy, and Limits.* Report of a Study Group Sponsored by the Woodrow Wilson Foundation and the National Planning Association. (New York: Henry Holt and Co. 1955. Pp. xv, 414. \$6.00.)

One of the most pressing needs facing the people of the United States today is that of seeing foreign policy in its totality. Segmental analyses which focus upon single countries, or groups of countries, specific issues, or periods of time often have the effect of beclouding major objectives, and they contribute easily to compartmental thinking that endangers the achievement of consistency and the promotion of broad aims. Equally dangerous to the development of a sense of overall direction in thinking about foreign policy, are analyses which lack historical perspective, or which suggest artificial distinctions between domestic and foreign aspects of national welfare and of required governmental policies.

For those who seek the broader understanding of foreign policy, the present volume will provide much satisfaction. It is, in brief, an effort to examine economic aspects of foreign policy in the full political setting of contemporary foreign relations, in the perspective of modern history since the industrial revolution, and in the framework of our relationship with both the more industrialized and the economically less developed countries of the world.

Some striking parallels in the development of Western countries and Japan and of the admittedly less developed countries offer insights and reminders of the common character of many of the problems faced by both groups of countries.

Prepared as a report of a study group, the breadth of discussion reflects the scope of experience and knowledge of the members of the group: Frank Altschul, Richard M. Bissell, Jr., Courtney C. Brown, H. Van B. Cleveland, William Y. Elliott, Chairman, Theodore Geiger, Harry D. Gideonse, Edward S. Mason, and Don K. Price. This is a group of men whose training and record of public service have assured the kind of perspective without which such a comprehensive analysis could easily have deteriorated into a superficial survey. They have, as a group, in fact managed to show "the inextricable relationship of all aspects of public policy including economic policy" which is suggested by the breadth of title "The Political Economy of American Foreign Policy" (not merely economic foreign policy).

The volume consists of two parts: Part I, a diagnosis of the origins of economic conditions and the needs of countries of the non-Soviet dominated world, and Part II, a prescription for United States foreign policy. In the first part is traced the evolution of the international economy of the mid-twentieth century out of the world economy of the nineteenth century. The analysis encompasses the changing characteristics of the principal industrial countries of the West and of Japan and the nature of the economies which emerge in the framework of an increasingly national orientation in the nation-state system. Included within a discussion of the impact of the industrial national economies upon the underdeveloped countries of the world is a highly perceptive analysis of the economic, social, and political characteristics of the less developed countries and of the dynamic forces which give direction to their domestic and foreign economic policies.

In Part II there is an examination of the serious contrasts between the theory and the practice of foreign economic policy as caused in large measure by the lag in comprehension of the nature of the world of today and tomorrow for which policies need to be developed quickly. Policy actually tends to be formulated with a backward rather than with a forward look. The forced departure from prewar-oriented foreign policy theory, compelled by stark realities in world politics since the late 1940's, poses clearly the issue between what may seem temporary deviations from "normal" and the probability of long-term re-orientation of economic foreign policy in a completely different world. The highly imaginative innovations in economic foreign policy that accompany various kinds of so-called "foreign" aid programs complementary to new regional security arrangements are examined as elements in longer term policy for a future unlikely to see an early achievement of a truly world economy. In this perspective the elements of an American policy are outlined in relation to regionalized trade prospects and in terms of the domestic and foreign aspects of private investing, public loans, and the flow of goods and services. Attention is also given to some of the exportable ideology which could contribute to a more ready acceptance of United States leadership that is both required and expected in most of the countries toward which our foreign policy is oriented.

Of special importance throughout the volume is the recognition of the political-psychological framework within which economic policy must be planned and executed and the Study Group emphasizes the serious character of the ad-

ministrative and organizational obstacles to effective planning and execution of foreign policy inherent within our present governmental system.

Altogether, this is a thorough and a valuable contribution to an understanding of the political economy of American foreign policy in relation to the new world conditions since the end of the last war and to the peculiar needs for a policy that must encompass nations of widely differing levels of economic development.

WALTER H. C. LAVES.

*Indiana University.*

*National Minorities: An International Problem.* BY INIS L. CLAUDE, JR. (Cambridge: Harvard University Press. 1955. Pp. xii 213. \$4.50.)

In May, 1851, Gladstone's complaint of political abuses in Naples was brought to the attention of Austria. Prince Schwarzenberg's reply, paraphrased by Philip Magnus in his recent biography of Gladstone, included the reminder that British treatment of political offenders in Ireland, the Ionian Islands, and Ceylon "had neither escaped his attention nor excited his disapproval." Gladstone's protest was implicitly based on the concept of a higher law by which all peoples are somehow entitled to "fair treatment." Schwarzenberg's counterthrust transforms the problem into the conventional one of the courtesies and respect due one sovereign state by another.

In quite the same way, the principle of state sovereignty clashes with the concept of minority rights. This is the problem of Professor Claude's study. If the separate states do not deal fairly and adequately with their own minorities, these groups must accept their plight, seek to change the laws under which they live, or look for relief to some outside agency. When they are unwilling to accept the first alternative and unable to effect the second, national minorities become an international problem. If, however, rights are defined and made actual only by an established system of law, then one must conclude that minority rights can be protected only as international organization takes on more of the qualities of government, with constant and effective control of the states that become its subsidiary units.

This is one explanation of the difficulty of defining and protecting minority rights. The author sees others as well. Under the League system, problems were not defined clearly or handled sympathetically, nor did statesmen appreciate their complexity; the parties involved did not cooperate in good faith to make the League machinery work; the discriminatory application of minority obligations and minority rights aroused resentment at the same time that it diminished the League's moral authority; members of the League who had no minority problems themselves showed an "excessive regard for the sensitivity of the states" who did have. The author discusses such difficulties clearly and with sensibility. He probes the conflicts between kin-states and minority states, between those who urge the preservation and protection of minorities and those who urge their assimilation or transfer, between those who advocate a bilateral approach and those who prefer an international solution. He shows us that there

were many mistakes and many failings, and many conceptual difficulties as well; but he does not succeed in conveying the conviction that these mistakes and failings and conceptual difficulties really made any difference. Bad faith vitiated past efforts, but what kind of program, if any, could have been devised to operate satisfactorily with the amount of good faith available? Some states, such as Britain, took a less positive interest in minority matters than one might have hoped for, but what, if anything, could Britain have accomplished by displaying a more positive interest? If there were possibilities for successful affirmative action, the author does not make them clear.

What then is the explanation of the failure of international efforts to redress minority grievances: the difficulty of constructing a system of rights where no system of government exists, or the foibles of the statesmen involved? One would suppose that to the extent the first explanation is accepted, the second becomes trivial. Professor Claude himself seems to accept both, but he does so without attempting to estimate their relative significance. He points out, for example, that if the United Nations "had undertaken to establish a universal system of minority protection, it would have had to rely, most precariously, upon the prospect that states would subject themselves to it voluntarily . . ." (p. 176). Given a sovereign-state system, voluntary action is, in this matter, the only action possible. One might expect that, having accepted this as fact, the author would make an attempt to relate it to the ways in which diplomats have approached minority problems. Instead, he dismisses the difficulties that follow from the necessarily voluntary character of an international minority program. They are, he thinks, "essentially irrelevant . . . , since the United Nations has displayed a definite disinclination to attempt the formulation, in general terms, of an international solution to the problem of national minorities" (p. 176). It may be, however, that these difficulties are so relevant that it would be a waste of time to attempt the formulation of such a program.

Sometimes the author seems to support the latter conclusion; at other times he argues that we should have tried harder. In short, he does not make clear to his readers whether they should learn the many lessons taught by past errors in international minority programs or the one big lesson that placing hope in such programs was utopian from the outset.

KENNETH WALTZ.

*Columbia University.*

*Communism, Conformity, and Civil Liberties: A Cross-Section of the Nation Speaks Its Mind.* BY SAMUEL A. STOFFER. (Garden City, N. Y.: Doubleday & Co., Inc. 1955. Pp. 278. \$4.00.)

Perhaps it would come as a discovery to Professor Stouffer to learn that he has written a book on political theory, and one has little doubt, although much regret, that it will be only the rare political theorist who will himself ever experience that discovery. There is much to be regretted in this because, even though *Communism, Conformity, and Civil Liberties* is a quantitative study of public attitudes with accompanying tables and paraphernalia, made easy, to be sure,



for nontechnically qualified readers, the findings have the most intimate relation to the assumptions on which some of the great theories rest.

Consider, for example, the relationship of Stouffer to Jefferson. Jefferson, apostle of "the free right to the unbounded exercise of reason and freedom of opinion," held the American liberties to be better protected by an agrarian society because the "cultivators of the earth" make the best defenders of such liberties. Now Stouffer, from his data, has constructed a scale measuring support for the right of divergent economic and religious minorities to give expression to their views. He finds such support to be especially low in rural areas and small towns and concludes: "There is something about life in a small community that makes it less hospitable to divergent opinions than is the case in our urban centers" (p. 130).

The Marxian view is that opinions are a reflection of class interest, that the association of the working class together in factories will make of them a class-conscious instrument of communism. Consider this in the light of Stouffer's findings on the percentages of community leaders willing to let a socialist (not a communist) speak in their community (p. 31): newspaper publishers, 97; presidents of bar associations, 95; chairmen of Republican county central committees, 88; presidents of chambers of commerce, 85; presidents of labor unions, 80; and a cross-section of the same cities as the above leaders represent, 61.

Or consider T. H. Green: "... the idea of the individual's right to free life has been strongly laid hold of in Christendom ..." partly because it derives from the teachings of St. Paul. In what sense are Christendom and St. Paul related to the "free life" in the light of the following findings (p. 142)?

	Percentage Classified as "More Tolerant"
Attended church in last month	28%
Did not attend church in last month	36%

(Appropriate controls for education, class, sex, religion, etc. have been applied in the cases used.)

One cannot say that these findings refute those aspects cited of Jefferson's, Marx's, and Green's theories, but they are distinctly relevant and because of this relevance they belong in the discussion of political theory.

The book itself is a product of what is probably the most extensive (and expensive: \$125,000) survey of the kind ever conducted. The survey was designed to discover "the reactions of Americans to two dangers. One, from Communist conspiracy outside and inside the country. Two from those who in thwarting the conspiracy would sacrifice some of the very liberties which the enemy would destroy" (p. 13). In order to do this some 537 interviewers questioned a national probability sample of 4,933 persons, plus—and this is a unique and useful feature of the study—1,500 selected community leaders in 123 cities between 10,000 and 150,000 population.

The data thus collected enabled the analysts to discover the relationships between "willingness to tolerate nonconformists" (socialists, atheists, com-

munists, and persons alleged to be communists but who swear they are not) and a multitude of such sociological and psychological variables as age, sex, place of residence, perceptions of the menace of communism, and so forth. Furthermore, because they have identical data for community leaders (mayors, newspaper publishers, commanders of American Legion posts, regents of D.A.R., etc.) and the general public, they can discover in what particulars these two groups differ. They find that leaders, including D.A.R. and Legion officers, are considerably more tolerant than the rank and file of American citizens.

The book is a research report and goes beyond this only in the last chapter where the meaning of the findings for "people who can do something about them" is briefly suggested. The burden of mining the ore for additional meanings rests upon others.

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*Wanted: An Asian Policy.* BY EDWIN O. REISCHAUER. (New York: Alfred A. Knopf. 1955. Pp. xi, 276. \$3.75.)

*An American Policy in Asia.* BY W. W. ROSTOW IN COLLABORATION WITH RICHARD W. HATCH. (New York: John Wiley & Sons, Inc. 1955. Pp. 59. \$1.00.)

In view of Director Max Millikan's ungracious and unauthenticated statement in the preface to *An American Policy in Asia* that "China scholars have tended to develop split personalities, painfully excluding policy insights from their scholarly work, and then permitting their pent-up convictions as to what the United States should do in the Far East to spill out in most unscholarly bursts of temper," it is of some interest that Professor Rostow and his collaborator should have reached, without benefit of Professor Reischauer's long study, conclusions so similar to the latter's. Rostow and Hatch center their treatment on China while drawing other Asian states into focus in several chapters. Reischauer attempts to give adequate attention to the major countries of all Asia. He divides his treatment into three parts: the problem, the situation, and principles of strategy; each part is subdivided topically. Rostow and Hatch write under nine topics: "United States Interest in Asia," "Broad Foundations for Alliance in Free Asia," "The Free Chinese," "Formosa," "The Vulnerability of Communist China to its Asian Environment," "The Military Problem," "An Economic Policy in Free Asia," "U. N. Membership for Communist China?," "U. S. Recognition?," and "The Free World Alliance."

Both of these books, though comparatively brief, are serious efforts by able scholars to apply their knowledge of Asia and of contending forces in the contemporary world toward aiding the United States to work out a policy that will combat the influence of Soviet communism, weaken or overthrow existing Asiatic systems of communism, and prevent the rise of communism in states not yet under the influence. They agree that postwar American policy has been grounded in ignorance and correspondingly unsuccessful. They state their

views as to American interests in quite similar terms. Professor Reischauer holds that "the one over-riding objective . . . is inevitably the furtherance of our own peace and security," while Professor Rostow and his collaborator write that "the fundamental task of American foreign policy is to maintain a world environment for the United States within which our form of society can develop in conformity with the humanistic principles which are its foundation." Both arguments evince clear realization of the risks involved in an aggressive program designed to control Asiatic development to suit American interests. But both are unwilling to have the United States adopt a purely *laissez faire* attitude. Reischauer surveys at some length the evolution of Asiatic-Western relations during the nineteenth century, rightly stating that "the only way to ascertain even roughly the direction of motion in Asia is to take a long historical look at what has been happening there." He points to the earlier variance between Asiatic cultures and to the significance of this variance in contemporary East-West relations. He observes that "most native Asian political institutions appear to have been washed away." He somewhat hesitantly credits the "machine," which is incompatible with Asiatic caste and family systems, with the Westernization of the East and treats this process as an extension of effects experienced a century earlier in the West. The interesting analysis brings him to the possibilities of collaboration between the United States and Asia.

Rostow and Hatch see such possibilities in the American record of anti-colonialism, but they justifiably counsel a speed-up in our efforts to persuade other states to free their colonies. They also urge that we not only extend more adequate aid toward Asian economic growth but also exert ourselves to convince Asiatic peoples that our interest in them is not a gambit to improve our own military position vis-à-vis the U.S.S.R. They assert that "the widespread belief in Asia that we intend to launch aggressive war is already extremely costly to us." Most important: "If we wish to bring and hold the literate Asian within the Free World alliance, we must come to believe that American interests and objectives conform in important respects to his own." Reischauer also believes that possibilities for cooperation with Asia exist and he describes the "implements of policy" as military, economic and ideological. Of the three, he rates the military as least important. He regards the economic implement as likely to be effective over a considerable period provided that it is not used to buy military commitments. He puts most faith in ideological propaganda, while deprecating American efforts hitherto to use this implement as "give away" to the Soviets. Curiously enough, he avers that Americans play down their own ideas and argues that we must meet the Russians on their own ground of self-congratulation rather than by beating our breasts in self-condemnation. This criticism comes oddly from a citizen of "G-d's country." He is right, however, in his view that revolution in Asia is not the product of communism but of democracy, and that we have neither studied the meaning of democracy sufficiently nor explained democracy adequately in Asia. Whether or not our wholesale transformation of Japan's economy during the postwar occupation was "vastly more successful than our more defensive pose in Japan in recent years" is another matter. He does not appear to note the difficulty of reconciling the

quoted statement with another which follows it within two pages: "There is one thing that no free society . . . can tolerate, and that is compulsion." He is much more effective in his treatment of the problem of communications, though he has no new answer to that crucial problem.

Neither of these pungently written and stimulating little volumes will give comfort to the China lobby. Their authors advise giving all possible aid toward the development of a free, prosperous society on Formosa but are firmly opposed to encouraging Chiang Kai-shek to attempt a military comeback on the mainland. They also favor our giving serious consideration to the recognition of the Peking government and to its admission to the United Nations.

In such free-swinging statements of personal opinion—for which the authors need make no apologies, and which are cordially welcomed by this reviewer—there are bound to be numerous challenges to readers, e.g., the frequent unqualified references to the "Free World." That is the great value of such books—they do challenge their readers to consider their country's position and what can be done to improve it. Surely, however, they might help their readers more than they do. While books written for the seriously-minded lay citizen should not be loaded with footnotes, neither should they omit citations of authorities, particularly for factual statements, thereby permitting the inference that great decisions upon national policy are comparatively simple products of individual cogitation.

HAROLD S. QUIGLEY.

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*British Political Parties: The Distribution of Power within the Conservative and Labour Parties.* BY R. T. MCKENZIE. (New York: St. Martin's Press. 1955. Pp. xv, 623. \$7.50.)

All major institutions require, every 50 years or so, a fresh and comprehensive study. Mr. McKenzie has attempted in this book an analysis comparable to that done by Ostrogorski at the turn of the century. Five momentous decades provide his justification and material. When Ostrogorski wrote, the democratization of the British franchise—though carried a long way—was still incomplete. Party organization was grappling with its early problems and its future was still unsure. Two great parties confronted one another in Parliament and before the public, though the symmetry of their opposition was marred by the Irish Nationalists. Since that time, the party system has endured a global economic depression and two global wars. It has consummated and absorbed the ultimate extension of the electorate. It has witnessed the breakup of the Liberals and the emergence of a new major party with a distinct philosophy.

Mr. McKenzie's work now fills a major gap in our knowledge of an important aspect of the modern British parties: namely, their internal structure and functioning. His book bears the obvious imprints of indefatigable research, accurate reporting, and impartial assessment. He leaves the convincing impression that he has culled whatever data he could find and has presented them without grinding an axe. On points where he yields little illumination (party finance, for example) the fault is not so much his as that of the parties themselves.

Virtually the whole of this solidly packed book is factual description and analysis. There is, therefore, much grist in it for the behaviorists' mill. Those, however, who feel that evaluation and a philosophy are also a supreme obligation of the political scientist are going to be disappointed, for they will particularly note that 580 thick pages of data terminate in 11 thin pages of conclusions. A bulky foundation of evidence is used to support two essentially simple propositions. One is that the internal structure of each party is unlike what its opponents say of it. The other is that the two rivals—despite Labor's early attempt to be different—have come to be organized and to operate in much the same way. The similarities between Labor and Conservatives in structure and power distribution are the features that impress Mr. McKenzie most forcibly.

This second observation deserves discussion. It is demonstrated by the author with cogency and is substantiated by ample evidence. On the basis of his findings it may be accepted as proven. The most striking of these similarities consists in the role of the party leader and in the relation between the parliamentary representatives and their mass organization outside. In both British parties the leader has a significant authority—a fact which appears natural to the Conservatives, but does mark a departure from the original assumptions of the Labor movement. Likewise, in both parties the parliamentarians have refused to be the "servants" of the organization outside. The latter helps the former as a vote-getting machine; but it is the elected representatives who have maintained the upper hand. The reason for these results is explained by the author in terms of the influence of the constitutional structure on the parties. The parliamentarians are in the saddle because under the British system, Parliament is designed to be the final locus of authority. The leader is all-important, because he is either an actual or a potential prime minister.

This inference about causation is a tempting one. Yet it contains two difficulties, of which one is ignored by the author while the other is wrapped in ambiguities. If it is correct to hold that the formal institutions of government have served to mold the party structure, why has this not happened in the same way and to the same degree in other countries where virtually identical institutions exist? In Australia and New Zealand, for example, although it is true that the legislative representatives have, on the whole, succeeded by now in controlling the party organization outside Parliament they have nevertheless obtained more power vis-à-vis their leader than in Britain. Certainly this is the case "down under" in the Labor parties, which have adopted the practice of electing the members of the cabinet when their party takes office.

The chief ambiguity in Mr. McKenzie's treatment consists in his account of the source of the leader's authority. On page 384 he writes: "The Labour Leader's formal powers appear to be much more limited than those of the Conservative Leader, but like the latter, he becomes from the moment of his election as Leader a potential Prime Minister. It must be emphasized again that *this above all else is the principle (sic) source of his influence and authority.* Like his Conservative counterpart, the Labour Leader wields this influence on sufferance. If his followers in Parliament withdraw their consent to his continued leadership, his authority collapses immediately" (*italics in original*). But, one

cannot have it both ways. If the leader's "leadership" collapses as soon as his "followers" withdraw their consent, how can the author assert that the "principal" source of his influence and authority is the fact that he is a potential prime minister? Should he not say that the principal source is the "consent" of those who follow? (Compare also pp. 145 and 298 for the same ambiguity.)

Finally, it may be suggested that the value of this richly informative work would have been enhanced if the author had seen fit to encompass the Liberals—who are relegated to a two-page appendix. After all, modern Britain did witness the disintegration of a once-great party. The analysis should have been extended to explain what happens when a formerly powerful structure breaks up. That story would have thrown a fresh, and possibly different, light on the relations between followers and leaders, and between parliamentarians and vote-winning machines.

LESLIE LIPSON.

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*Higher Civil Servants in Britain: From 1870 to the Present Day.* By R. K. KELSALL. (London: Routledge & Kegan Paul, Ltd. 1955. Pp. xvi, 233.)

This volume represents part of a research program, supported by a Nuffield Foundation grant to the London School of Economics, to study "social selection and differentiation in Great Britain." The first study, *Social Mobility in Great Britain*, ed. D. V. Glass (1954), concerned with general problems, is to be followed by a series of more specific inquiries into key professions, of which this volume is one, as is a forthcoming report on the elementary schoolteaching profession. Mr. Kelsall summarizes the particular questions with which he is concerned as being, among others, the following: "From which social strata is the Higher Administrative Class now being drawn, and what changes have taken place in this respect over the last eighty years or so? Are we witnessing a second revolution, in that the hold of the upper-middle class on the higher administrative posts is now seriously jeopardized? How far have the developments that have taken place been the result of policy changes either in the recruitment of direct entrants, or in the promotion of those originally entering the lower classes of the Service? To what extent have the fathers of senior officials themselves been members of this or closely allied occupations? What have been the relationships between the social origin, education, and upbringing of higher civil servants on the one hand, and their career-success on the other? Has there been any marked change in the status of their profession?"

In pursuit of answers to these questions, the author devotes his first chapter to an appraisal of available information, his second chapter to a painstaking account of his methodology in assembling the basic data. He then successively treats the following subjects: Routes of Entry to the Administrative Class (promotion from the ranks, open competition, and other routes); Social Origins based on Father's Occupation; Occupants of Six Key Posts at Four Dates; Women in the Administrative Class; the Nature of the Profession. The exposition is heavily statistical, preoccupied with methodological concerns, sparse and

cautious in both interpretation and generalization. The usual expectations of American readers concerning the clarity, felicity, and pungency of British writing are persistently frustrated.

The findings are significant, if somewhat anticlimactical for so much methodological machinery. They refine, rather than upset, what previous studies have asserted: that the upper and middle social classes have been "over-represented" in the higher civil service; that Oxford and Cambridge have been the primary gateways; that these and associated characteristics have been the focus of anxiety and criticism. Perhaps his most distinctive finding is that the years 1949-52 brought sharp changes in these matters, seeming to announce a more rapid democratization of the higher ranks than had been expected by most observers.

Several questions of great interest are described as beyond the limits of the present study. First, because such information could be obtained only by interviewing the subjects, no data are presented on why they chose a civil service career, whether they now would make a different choice, whether they would advise their sons or daughters to make a different choice, and how they view their role in society. Second, no comparisons between the social origins and educational history of higher civil servants and of the members of other professions in Great Britain, and of the higher civil servants of other countries, are made because comparable data do not exist. Third, no comparison is made with ministers of the government because it "no longer seemed worth while," Labor ministers having demonstrated they can live without friction with the higher civil servants. Fourth, certain other broad questions, about which the available information is described as inadequate to resolve the issue, are excluded, for example, "whether the State can obtain the ablest servants whilst at the same time satisfying the demands of its citizens for equality of opportunity."

Among American readers, political scientists especially will regret these omissions and, in addition, will incline to the feeling that "sociological" studies of this type will continue to yield limited returns until the range of inquiry includes central attention to the political and governmental roles of the higher civil servants. It is what they do, and how they do it, that makes relevant who they are, where they come from, and how they got to where they are. If this volume is intended to prepare the way for such an inquiry in Great Britain, its value will be greatly increased.

WALLACE S. SAYRE.

*Columbia University.*

*Social Credit and the Federal Power in Canada.* BY J. R. MALLORY. (Toronto: University of Toronto Press. 1954. Pp. xi, 148. \$5.00.)

Professor Mallory's volume is the fifth in the series on Social Credit in Alberta, which the Canadian Social Science Research Council has sponsored over the past 10 years. This seems a lot of time and books to devote to so obscure a political movement, but the various authors have avoided the danger of overworking their subject by writing as far as possible about something else. Professor Mallory is the first to use the name "Social Credit" in his title, but he too

has sought the main theme of his work elsewhere. His concern is with the basic readjustment in the balance of Canadian federalism which occurred during and after World War II, and he deals with the Social Credit party as a contributing factor in the shift of power between the federal and provincial governments, but not as the underlying cause of that shift.

This approach gives the author wide scope. He breaks new ground in his attempt to explain Canadian constitutional conflicts and changes as the reflection of basic economic pressures rather than of competing theories of federalism. Pointing out that in no less than one-half of the Privy Council cases reported between 1867-1939, the plea of *ultra vires* was successful in defeating the intention of the legislature, he concludes that the resulting spheres of authority of the Dominion and the provinces are the incidental outcome of a clash between individualism and collectivism. His chapter on "Disallowance and the National Interest," in which he shows how the disallowance power at Ottawa (a power to which there is no parallel in American constitutional law) was primarily used to protect the dominant commercial and financial interests centered on the St. Lawrence system, harmonizes this part of Canadian political history with his main thesis and brings into one picture developments in constitutional law which have hitherto tended to be subjected to separate treatment by lawyers and political scientists. In consequence there is a breadth of outlook in this book which, despite a certain looseness of structure, makes it a valuable contribution to the subject of Canadian federalism.

In a short review, comment may be offered on only a few of the many ideas and reflections with which the book is replete. While it may be true, as Roscoe Pound has said and Professor Mallory agrees, that the fundamental difference between the law of the nineteenth century and that of the present period is due to changing ideas about society, and that the conflicts which arise are due to clashes of ideas rather than of men, nevertheless men, particularly the men who sit on courts of final appeal, play a rôle somewhat larger than Professor Mallory seems willing to admit. This is particularly true of the Canadian situation, where for 80 years the final court—the English Privy Council—was composed of judges who had only the most casual acquaintance, if any, with the nation for whom they were laying down fundamental law. While they could not stop the march of history, they could and did slow its pace and deflect its minor currents, and in so doing installed new concepts of federalism in the law itself. This has left Canada with a mass of case-made law, now bolstered by the doctrine of *stare decisis*, from which escape is difficult.

For this reason Professor Mallory does not appear to this reviewer to have demonstrated the "major readjustment of the whole balance of Canadian federalism" of which he speaks, at least insofar as the law of the constitution is concerned. The underlying conditions making for readjustment, particularly in economic policy, have changed, and individualism has no longer its former potency, yet in respect of many fields of jurisdiction the enlarged powers of provinces make the implementation of national policies extremely difficult. Until new interpretations or constitutional amendments occur, Canada will struggle with makeshift solutions. Given the present strength of Quebec's na-



tionalism, there is unlikely to be a new approach for some time to come. These are problems we hope Professor Mallory will explore in a succeeding volume.

F. R. SCOTT.

*McGill University.*

*Federalism, Finance and Social Legislation in Canada, Australia, and the United States.* By A. H. BIRCH. (Oxford: Clarendon Press. 1955. Pp. xiv, 314. \$5.60.)

This book is a Ph.D. dissertation submitted to the University of London in 1951, and revised and enlarged after the author, a lecturer in government in the University of Manchester, spent a year in the United States and Canada under a grant from the Commonwealth Fund.

Both in subject matter and in execution the book reflects dominant attitudes and emphases in the teaching of political science in the United Kingdom. The new emphasis on federalism in British universities is understandable in view of the British government's recent actions in committing itself to the federal form for the projected experiments in home rule in Nigeria, Central Africa, and the British West Indies; federalism has seemed to the Colonial Office the obvious expedient for effecting the handing over of self-government to those underdeveloped countries (still only Crown Colonies after World War II) which are multi-racial in composition.

Mr. Birch's work, unfortunately, is heavily legalistic in form and tone, concerning itself to a marked extent with constitutional texts and forms, decisions of the courts, and governmental memoranda. Though recognizing at the outset that in matters of government "there are economic, social, and geographic characteristics which shape political behaviour, and these cannot properly be ignored" (p. xiii), Mr. Birch proceeds to relegate them to the background throughout his study. This is a rather dangerous approach, in its very narrowness, for it tends to assume that the answers to problems of comparative study are to be found in legal texts and further that verbal similarity in phrasing and drafting of governmental documents is necessarily paralleled by similarity in actual working operation. Mr. Birch's quest for absolute purity in his research causes him to eliminate the Swiss federal system from the scope of his inquiry as having a "very different environment" from Canada, Australia, and the United States, and likely for that reason to produce a "long series of exceptions to the general argument" (p. xv). This may be so, of course, but surely on that account the inclusion of Switzerland might be very valuable in testing the validity of universal hypotheses otherwise derived too facilely from the experience of Canada, Australia, and the United States alone.

In the end result Mr. Birch's study, in its emphases on positive law, resembles that type of study that was apt to proceed from British and Commonwealth law schools in the days prior to World War II before the onset of sociological jurisprudence and the contemporary emphasis on an integrated, interdisciplinary approach to legal research. But even as such, it is not very satisfactory, quite understandably perhaps, for Mr. Birch is not a lawyer. He is curiously selective in his cases—he manages to exclude the bulk of the Canadian "New

Deal" cases, and also the major constitutional cases arising from the Alberta Social Credit government's financial program; all the Australian cases on S. 92 of the Constitution (including even the Bank nationalization case, though the scheme of centralized banking that it involved was to have been the mainstay of the Labor party's social and economic program for the future), and the so-called "Financial Agreement" cases arising from the bitter struggle between the Labor administration in New South Wales and the national government over financial policy during the world economic depression of the early 1930's; all the American decisions on due process and the commerce power and even the latest decisions on immunity of instrumentalities, national or state, from taxation by the other. There are recurrent minor errors of citation or fact, e.g., the repeated use of "B.N.A.A." as a short form for the British North America Act, 1867 (the correct short form citation is B.N.A. Act), the presentation of Mr. Justice McTiernan of the High Court of Australia with a small "t," or the assertion that the issue of standing to sue in the form of a private taxpayer's suit has not been tested judicially outside the United States. More disturbing are some of his general interpretations: as his unsubstantiated charge (p. 163) that Dean W. P. M. Kennedy, the foremost living Canadian constitutional authority, "over-simplifies" in his well-known characterization of the Privy Council's approach to the Canadian Constitution as treating it as a statute and not a constitution; also his contention, by contrast, that the High Court of Australia has "consistently applied the letter of the Constitution" (p. 164), though the natural right barriers against social and economic planning legislation that the courts have been able to derive from S. 92 of the Australian Constitution involve a marked departure from both the words and also the limited historical purpose of that section.

In short, though Mr. Birch's work reveals considerable application and thought, I do not think he has broken much new ground. In the further development of his researches in this field it is to be hoped that he will get into some of the "extra-legal" factors that he has, for the present, largely excluded, but which, it is submitted, are vital to any meaningful study of federal government on a comparative basis at the present day. In particular, I would like to see some attempt at evaluation of the key influences on government in the various federal countries, involving for example inquiry into the ideas and organization of their major political parties—one cannot, for example, explain the marked centripetal action under the Australian Constitution over the 55 years of Australian federation without understanding the part played by increasing bureaucratic centralism in the Australian Labor party; or by contrast the pluralistic (more strictly dualistic) society that has emerged in Canada without studying the strong "Provincial Rights" attitudes in Quebec, and the curious Canadian voting patterns that allow a solid Quebec vote for the Liberal party in national elections but an equally solid vote for its arch-foes in provincial elections. Without a broader conceptual framework than positive law doctrines, the current Colonial Office experiments in federalism as a solution for assorted ills in Nigeria, Central Africa, and the British West Indies are not likely to

yield constitutional governments that can survive the severe test of independence and go on to become effective law-in-action. Mr. Birch has perhaps hewed too closely to Professor Wheare's original venture into federal government, which, as a pioneer study in the field, was understandably somewhat restricted in the scope of the inquiry undertaken. The later editions of Professor Wheare's book, however, and also the more recently published views of Max Beloff, one of the most thoughtful of the postwar British political scientists, show a more broadly eclectic, integrative approach that is likely to produce more viable results.

EDWARD McWHINNEY.

*University of Toronto.*

*The American Legal System: The Administration of Justice in the United States by Judicial, Administrative, Military and Arbitral Tribunals.* BY LEWIS MAYERS. (New York: Harper & Brothers. 1955. Pp. ix, 557. \$6.50.)

Professor Mayer's announced goal is to present a systematic account of American legal institutions—as distinguished from law—in all their varied aspects. Focusing on the role of American courts and quasi-judicial agencies in the administration of justice, he has skillfully produced a very clear and carefully integrated analysis of state and national institutions and processes.

This book will have wide appeal, for it covers the work of our courts, administrative agencies, military tribunals, and arbitral tribunals. Seventeen of its 22 chapters deal with the decisional processes and organizational structures of courts and administrative agencies.

The author has not been content to report only the present state of our legal institutions and their product. Throughout he modestly, but effectively, suggests the need for specific reforms in the administration of justice. In the long run perhaps the greatest service of this work will be the skillful way in which the author has pointed to existing inadequacies and the need for reform.

The book will be valuable to political scientists, laymen, legislators, judges, and lawyers. Civic groups, bar committees and legislators will find that it is full of carefully supported suggestions, each of which might easily be the basis for important civic and legislative activity. The scholar will observe that research ideas abound.

The author has been most perceptive in the selection of the issues, processes, statutes, and cases to be considered, and in pointing out a number of troublesome problems. Since the book was published, the courts have expressed themselves on some of these matters, for example, procedures in security matters (*Peters v. Hobby*, 75 Sup. Ct. 790, decided June 5, 1955), procedures in immigration matters (*Shaughnessy v. Pedreiro*, 75 Sup. Ct. 591, decided April 25, 1955), and procedures in securing passports (*Dues v. Nathan*, 225 F. 2d 29, decided June 23, 1955). This is not to suggest that the book is not up to date, for it is indeed remarkably current.

A highlight of the book is the historical and comparative background which the author provides for the subjects discussed. While such background cannot

be large in such a concise work, enough is supplied to remind the reader of why certain institutions developed as they did and wherein they are different from British and Continental practices. It also reminds one of the fact that styles in the administration of justice change as do those in wearing apparel. Thus, one is constantly challenged to inquire if the systems with which he is familiar are as efficient and valid as they might be.

The book is adequately if not abundantly footnoted, from both legal and political science literature. A bibliography and a special list of titles provide the reader with a summary of leading sources in the field of American legal institutions.

In short, this is more than an outstanding book. As a result of its clarity, brevity, perceptive selection of key issues, historical and comparative analysis, skilful organization of an unwieldy subject matter, broad appeal, and well-supported suggestions for reform, it may very well be acclaimed as one of the more thoughtful and better studies of American legal institutions in our time.

CARL Q. CHRISTOL.

*University of Southern California.*

*Automobile Workers and the American Dream.* BY ELY CHINYOY. (Garden City: Doubleday and Co., Inc. 1955. Pp. xx, 139. \$3.00.)

Traditionally, American culture has placed great value upon occupational success. Americans of all classes and conditions have been told again and again that "there is always room at the top" and that "you can't keep a good man down." While these onward and upward maxims may have lost some of their luster in recent decades, the idea that the able, hard working, and virtuous can and do start at the bottom and rise to the top still seems to be a widely cherished part of the American Dream.

But the opportunities of many Americans for self-advancement are slight. While those whose education and training enable them to begin work as technicians or white-collar workers may eventually work their way to the top levels of industry, the factory workers' ladder of advancement is short, with few rungs, and normally ends with foremanship. What does the persistence of the American Dream do to these workers? How do they adjust to the disparity between the ideal and reality? What do they think and feel about opportunity and advancement?

It is with these big questions that Professor Chinoy's slim volume is concerned. Chinoy spent more than a year living and working and talking with the automobile workers in the "A.B.C." plant in "Autotown" (a Middlewestern city of about 100,000). The principal fruits of this field work were a number of long and searching interviews with 62 white, male, native-born "A.B.C." workers.

He found that a "lack of interest, hope and desire" for advancement in the factory was normal for his respondents. This does not mean that they were satisfied. They did have ambitions in the plant, but most of these called for sideways mobility—away from dirty, closely-supervised jobs which involved

excessive physical or psychological strain toward more pleasant but not necessarily higher paid jobs. And talk of leaving the factory was rife. Most of the workers (48 of the 62) told Chinoy that at one time or another they had thought of leaving, mostly in order to start a small business or go into small-scale farming. Thus, "paradoxically, the very process of alienation which Marx thought would transform industrial workers into class conscious proletarians" had stimulated their interest in small private enterprise. Such talk very seldom resulted in concrete plans or action, but it performed an important psychological function: the worker "by seeking to convince others of the reality and strength of his aspirations . . . fostered his belief in his own ambitions and perseverance—and he continued to believe in the reality of opportunity."

Faced with the stark fact of failure, as defined by traditional American values, the workers were able to maintain their self-esteem in still another way. In its original form the American Dream was of occupational mobility. But Chinoy found that the workers had redefined achievement. Stuck in the same unsatisfying job, they believed that they were "getting ahead" so long as they were able to buy a new car or washing machine, a bigger and better TV set, a small home of their own. And some said, "If you work during a layoff . . . that's my idea of working up," and that "if you've got security . . . you're getting ahead."

Chinoy's auto workers, like many other working-class Americans, were caught in a squeeze between the tradition of mobility and the facts of the real world. But there seems little likelihood that either the dream or the reality will be quickly changed. "To the extent that workers blame their failure to rise above the level of wage labor upon themselves rather than upon the institutions that govern the pursuit of wealth or upon the persons who control these institutions, American society escapes the consequences of its own contradictions." And to the extent that the workers redefine advancement in terms of consumption rather than production, of security rather than of successful risk-taking, they can continue to believe that there are still opportunities to "get ahead"—new style. If the hopes of the worker-as-consumer are ever frustrated, then the alienation of many workers from their jobs and the strain of reconciling their position with the American Dream may lead to a political radicalism and class consciousness largely absent among American workers to date. Chinoy's book, despite the inevitable limitations of a case study, goes far toward explaining why this development has not yet occurred.

DONALD R. MATTHEWS.

*Smith College.*



## BOOK NOTES AND BIBLIOGRAPHY

### AMERICAN GOVERNMENT AND POLITICS

*Political Prairie Fire: The Nonpartisan League, 1915-1922.* By ROBERT L. MORLAN. (Minneapolis: University of Minnesota Press. 1955. Pp. 408. \$5.75.)

This is the definitive history of the political movement which some have characterized as the last of the great farmers' crusades. Extending over a period of no more than eight years, the Nonpartisan League was nevertheless a major political force in eight states.

Yet the story of the NPL is largely an episode of North Dakota politics, for it began in that state, contributed directly to its present situation, and left a heritage of rather unusual legislation on its statute books. It is perhaps one of the curious turns of history that this state, which has been and still largely is a suzerainty of Minneapolis, and the East generally, should in this particular political drama have sought to reverse this pattern by revolutionizing and dominating the politics of its neighbors. And, surprisingly enough, it was almost successful.

Though akin to earlier protest and third party movements, the NPL had several distinctive characteristics. These, as described by Professor Morlan, include: its organizing techniques, based on paid personnel using Fords and high pressure salesmanship; its financing, coming entirely from membership fees; its own press and propaganda methods; its unanimity of action, especially evident in its legislative caucuses; its election tactics, ranging from primary raiding to third party attempts depending upon the advantages of the moment; and, of course, its program.

The story of this "political prairie fire" is competently told, and the author's mastery of facts and events gives a "you were there" quality to the book. Yet his presentation leaves unanswered many questions as to why the NPL developed as it did. Insofar as he explains the events of this movement, the author relies largely upon a theory of fortuitous coincidence, a kind of *deus ex machina*, which somehow brought together a depressed and exploited agriculture and the leadership and organizing ability of Arthur C. Townley.

Until we know more about social psychology, we must perhaps be content with this kind of description. If we are to understand

political movements in a broader context, we must probe deeper and seek to formulate bolder hypotheses of social causation in our historical studies.

With respect to the NPL, such problems and questions as these need investigation: Why did the movement not take hold in the South and other exploited regions? Why did it collapse in 1922 when agriculture was in many ways more depressed and abused than in 1915? What light does the NPL experience shed upon patterns of anti-democratic action in America? (The liberal objectives of NPL should not obscure the significance of its autocratic methods, and here the analogies of the demagogic politics of Huey Long as well as those of the early Nazi party might well be explored.) To what extent do movements like the NPL take advantage of the frustrations of citizens who do not understand the forces at work in the economy and who have no apparent alternative but to thresh out blindly against them? What is the significance of the studied disdain and disparagement of the office seeker (as against the man who is sought by the office) on the part of NPL leadership? What relationship did the low educational level of the farm populace and their generally poor sources of news and information have to the rise and fall of NPL? To what extent is the inclination to seek pat solutions a condition precedent to movements of this sort? To what extent does the NPL experience mirror the dearth of leadership in rural areas (which, as much as discontent, may make a particular area ripe for the ambitious, unscrupulous leader)? These and many similar questions need investigation. The Morlan study makes them seem very pressing, although it does not seek to answer them.—NORMAN WENGERT, *University of Maryland.*

*Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro and Sectionalism.* By MALCOLM COOK McMILLAN. (Chapel Hill, N.C.: The University of North Carolina Press. 1955. Pp. viii, 412. \$2.50.)

In these days of growing interest in the states as partners in our federal system, students of state government welcome the data supplied by studies of individual states. The accumulation of data concerning the government

of the states should be a major task for political scientists of today. Far too little work is being done in this field. Malcolm Cook McMillan has set a high standard for such studies. He has done such a thorough job that the constitutional history of Alabama will not need rewriting in the foreseeable future.

In the area of interpretation this study is especially valuable. The author emphasizes three points which he considers important in the constitutional history of Alabama. (1) It was an evolutionary process—"the result of past history, experience, and practice in government." (2) It was a process of cross-fertilization. Alabama profited by the experience of other states as well as by her own past. (3) It was an attempt on the part of each generation to solve its immediate problems. Alabama rewrote her constitution six times in less than a century. In every case, some specific problem presented itself which, in the thinking of Alabama's people, was serious enough to call for a redrafting of the fundamental law. Usually these problems grew out of the presence of the Negro.

The author considers the Negro, slave or free, the predominant factor in Alabama's constitutional development. From the struggle over apportionment in the constitutional convention of 1819, through the "white supremacy" fight in the convention of 1875, to the suffrage battle in the convention of 1901 which led to the adoption of "the most complicated and undemocratic suffrage article in the United States," the presence of the Negro controlled the action of the constitutional conventions.

The conservatism of Alabama government, the restricted Alabama electorate, the limitations on Alabama's legislature and local governments, in short, the distrust of democracy in Alabama was the product of the white majority's determination to keep the black minority "in its place." In a highly sensitive and controversial field, Mr. McMillan's presentation is objective and balanced. He marshals his evidence so well and interprets it so clearly that any unprejudiced reader is forced to accept his conclusions.

At the moment in Alabama there is increasing agitation for rewriting the constitution. This movement makes Mr. McMillan's book a very timely one.

The material is well organized and clearly presented. The bibliography is exhaustive. The index is excellent.—HALLIE FARMER, *Alabama College*

*Problem and Policy in Public Assistance.* By HILARY M. LEYENDECKER. (New York: Harp & Brothers. 1955. Pp. xiv, 400. \$5.00.)

Mr. Leyendecker, who died before this book was published, successfully accomplished two objectives. In the first place he presented sound, well-documented material on the history, general philosophy, administrative organization, and practical problems of public assistance. In this he made use of nearly all the important writing in the field and his selected references are highly recommended. The result is an excellent textbook. The few inconsistencies in footnotes could easily be corrected.

Secondly, Mr. Leyendecker set out to discuss some of the more controversial problems of public assistance as they might concern someone fortified with the values of a "democratic society, imbued with the great tradition of Christian and Jewish thought concerning the essential worth and dignity of the individual." Where these not too well-defined values provide a sufficient guide, Mr. Leyendecker's analysis is most helpful. His defense of public assistance and his discussion of standards of assistance and client resources are humane, thoughtful, convincing, and probably the best that have appeared to date.

Since the book is addressed to the needs of the "beginner"—professional or layman—it can be considered entirely adequate and indeed distinctly valuable. In view of this, it would seem invidious to suggest here that for the political thinker the questions raised by public assistance are not answered in Mr. Leyendecker's book, were it not for the fact that the author gives these questions a little nod and judgment or two in passing.

The significance of public assistance for serious political inquiry is that it poses but does not answer two very far-reaching questions. One of these is the status, moral, social, and legal, of the increasing part of the population who cannot support themselves financially—a status that varies under different programs in different countries, and under different political and social presuppositions from complete entitlement to submission to more or less pervasive social control and guidance. The other is the degree to which government benefits can properly be individualized and by what criteria this individualization is to be determined. The tradition of clinical humanitarianism to which Mr. Leyendecker belonged can give at best partial answers, since

its orientation is pragmatic and sentimental rather than philosophical or theological. It is therefore not surprising to find the writer resolving the first question largely by a recourse to "tact" on the part of the case worker or sympathizing somewhat uncritically with the poor little welfare worker who realized that she "did not know enough about the art and science of human relations to know what would be to the best interests of the children."

Whose children, one might ask, and what if she were vouchsafed this knowledge? What sort of society is implied here?

These unanswered questions should not, however, detract from the usefulness of the book for its stated purpose. It remains the best discussion of public assistance in book form today.—ALAN KEITH-LUCAS, *University of North Carolina*.

*Crude Oil Pipe Lines and Competition in the Oil Industry.* BY LESLIE COOKENBOO, JR. (Cambridge, Mass.: Harvard University Press. 1955. Pp. vi, 177. \$4.00.)

Is it true that the petroleum industry is controlled by major companies through ownership of crude oil pipe lines, as has often been charged? If so, what is the extent of such control? What remedies have been proposed, and how feasible are they? May the real problem be quite different from that traditionally discussed? These are the principal questions posed by the author, an economics professor at Rice Institute, in this compact monograph adapted from a doctoral dissertation and published as the second in a series of studies on competition and monopoly in American industry financed by a grant from the Merrill Foundation for the Advancement of Financial Knowledge.

Quantification of the ownership of crude oil pipe lines indicates that major companies (the 19 largest) owned lines carrying about 85 per cent of crude oil throughput even before the introduction of new large-diameter lines, which are almost wholly controlled by large companies. But what determines control, the author points out, is ownership of lines between given producing areas and given refining areas. His analysis of the location of independently owned refineries shows that most of them are located close to their crude supply. Less than half of the independent refining capacity, representing about 10 per cent of the United States total, has to rely on crude oil trunk lines for supply, even in part.

Crude oil pipe lines are required by the

Hepburn Act to operate as common carriers. Rates are limited by the Interstate Commerce Commission and the terms of a 1941 Sherman Act consent decree to levels which yield about eight per cent on investment, with dividends limited to seven per cent. Two principal changes have been proposed, both of which the author analyzes and rejects. One would eliminate the consent decree and return control to the ICC, which then would be required to establish "cost" rates for the pipe lines. Professor Cookenboo objects that "cost" rates can never be established precisely (increased volume, for instance, would make a "fair" rate too high); if fair to the industry, they probably would be no lower than at present; and oil companies still would be denied private carrier privileges. The other proposal would divorce pipe lines from major companies by antitrust action and force them to operate as true common carriers. The author's analysis shows that most independents are either integrated companies themselves or else are located close to crude supply. He estimates that only 2.4 per cent of efficient refining capacity could be helped by drastic dis-integration.

The author is interested more in the economic goal of cheap gasoline than in the political goal of smaller companies. He presents cost curves which show that substantial economies are achieved by large-diameter lines operated at capacity. In the future he would have one great line built from a field to a refining center as a joint venture, with participation open to all. Independents could buy in or rely on common carriers who do. But he is interested in freedom from regulation for the industry even more than in economy. He would require a certificate for construction, but restrict governmental discretion to the combining of parallel lines from a given field to a given refinery terminal. Only in exceptional circumstances could a project, however uneconomic, be denied; the pressures of competition would be relied on instead.

This is a solid book, with a wealth of data, presented clearly in numerous charts and tables, on the economic aspects of the petroleum industry. Readers who do not altogether share the author's confidence in voluntarism nevertheless will appreciate the fairness with which arguments, including the author's own, are subjected to realistic analysis. The book makes, as its sponsors intended it should, a genuine contribution to an evaluation of monopoly policy in the United States. —RALPH K. HUITT, *The University of Wisconsin*.



*American Constitutional Law.* By BERNARD SCHWARTZ. (Cambridge: Cambridge University Press. 1955. Pp. xiv, 364. \$5.00.)

"It is the purpose of this book to present the workings of the American system of constitutional law to a British audience, with emphasis upon the significant changes that have occurred therein in recent years" (p. xiii). The author succeeds in giving a clear, readable account which is comprehensive in scope, contains reference to the important cases, shows significant recent developments and trends, and makes comparisons with Britain and the Dominions. This and Ernest Griffith's recent *The American System of Government* (reviewed, this *Review*, March, 1955, pp. 242-43), also written for British readers, provide the English-reading foreign inquirer with adequate accounts of the formal and informal elements in our system of government. The two books are useful also for the American reader, and Schwartz's volume should be particularly helpful for American students looking for a handy summary of recent constitutional developments.

*American Government: National, State, and Local.* By CLAUDIUS O. JOHNSON. (New York: Thomas Y. Crowell Co. 2nd ed. 1955. Pp. xvii, 1004. \$6.50.)

*American National Government.* By CLAUDIUS O. JOHNSON. (New York: Thomas Y. Crowell Company. 4th ed. 1955. Pp. xvii, 750. \$5.75.)

New editions of two college textbooks which follow the general plan of previous editions but with numerous changes in internal structure and content and a generous use of charts and tables.

*The American Legion and American Foreign Policy.* By ROSCOE BAKER. (New York: Bookman Associates. 1954. Pp. 329. \$4.75.)

A well-documented and objective dissertation on the organization, ideas, and activities of the American Legion as a pressure group seeking to influence the conduct of American foreign affairs.

*Basing Point Pricing and Regional Development: A Case Study of the Iron and Steel Industry.* By GEORGE W. STOCKING. (Chapel Hill, N. C.: The University of North Carolina Press. 1954. Pp. vii, 274. \$6.50.)

This solid study began with the objective of determining "the significance to the South of

basing point pricing in the iron and steel industry" (p. vi) but was broadened to include, in addition to its regional focus, an analysis of the industry' structure and pricing practices. The empirical analysis is largely confined to the period before 1939 but there are chapters also on developments since 1938, the law on basing point pricing, and the elements of a sound public policy. The author concludes that "The industry's relative stability has been bought in part at the expense of higher cost to producers and higher prices to consumers and at the cost of retarding the South's steel industry" (p. 190).

*Booker T. Washington and the Negro's Place in American Life.* By SAMUEL R. SPENCER, JR. (Boston and Toronto: Little, Brown and Co. 1955. Pp. ix, 212. \$3.00.)

A well-written life and analysis of the contribution of an important Negro leader appropriately appearing on the eve of the centenary of his birth.

*A Check List of Legislative Journals Issued Since 19-7 by the States of the United States of America.* By WILLIAM R. FULLEN. (Chicago: American Library Association. 19-5. Pp. 59.)

The work continues Grace E. MacDonald's *Check-List of Legislative Journals*, published by the National Association of State Libraries in 1938. In the all too brief preface, the compiler who is the document librarian at the University of North Carolina Library, gives a characterization of this important but not too well edited or published group of state documents. He calls attention to the fact that the journals frequently contain important legislative and executive documents not issued separately, that Maine and Pennsylvania print debates in place of journals, and that Arkansas and New Mexico have ceased printing the journal record of legislative proceedings. Fullen's work represents a type that needs much attention and action to make the important sources of state documents more available for ready use.—J.B.C.

*Groves of the Cities.* By FRED K. VIGMAN. (Washington, D.C.: Public Affairs Press. 1955. Pp. viii 155. \$3.25.)

An interesting survey of the American city stressing that the older cities are "now in the throes of decline and disintegration" and that although the newer cities and towns must yet face their ordeal of growth, there is "no one

about to solve the riddle of urban contradiction."

*Daniel Webster and the Rise of National Conservatism.* BY RICHARD N. CURRENT. EDITED BY OSCAR HANDLIN. (Boston and Toronto: Little, Brown and Co. 1955. Pp. xi, 215. \$3.00.)

An excellent analysis of the political ideas and public career of Webster emphasizing his contribution to the development of a conservative philosophy for American politics.

*Emergency Disputes and National Policy.* EDITED BY IRVING BERNSTEIN, HAROLD L. ENARSON, AND R. W. FLEMING. (New York: Harper & Brothers. 1955. Pp. xi, 271. \$3.50.)

This is a major contribution on labor-management relations and government responsibilities relating to industrial disputes causing or threatening stoppage of work. The book seeks answers to three questions: (1) What is a national emergency dispute? (2) What is the Taft-Hartley experience? (3) What are the elements of an improved national policy?

*Governing Urban America: Structure, Politics, and Administration.* BY CHARLES R. ADRIAN. (New York, Toronto, and London: McGraw-Hill Book Co., Inc. 1955. Pp. vii, 452. \$5.50.)

A college textbook designed for either a one- or a two-semester course and developed on the assumptions that municipal government is understandable only if viewed in relation to the whole urban culture and that urban government is not only form but also a political process. It is effectively organized and presented and makes good use of material from related disciplines.

*Governor Tryon and his Palace.* BY ALONZO THOMAS DILL. (Chapel Hill: University of North Carolina Press. 1955. Pp. xiii, 304. \$5.00.)

The account of the attempt to provide a permanent place of government for North Carolina at New Bern in the third quarter of the 18th century is typical of much work that needs to be done in other states on the reconstruction of problems surrounding early attempts at establishing a permanent seat of government with suitable quarters.—J.B.C.

*Greensboro, North Carolina, the County Seat of Guilford.* BY ETHEL STEPHENS ARNETT. (Chapel Hill: University of North Carolina Press, 1955. Pp. xviii, 492. \$6.)

The history of the city of Greensboro in Piedmont, North Carolina contains a chapter on the government and special agencies of the city and another on the county government and the leading public servants of Guilford County, and shows a growing appreciation of the part that local government may play in the development of a community.—J.B.C.

*The Holmes Reader.* SELECTED AND EDITED BY JULIUS J. MARKE. (New York: Oceana Publications. 1955. 282 pages. \$3.50.)

Reprinted here are three commentaries on the life and work of Justice Holmes, a number of his articles, speeches, and letters, Justice Frankfurter's article on "Mr. Justice Holmes and the Constitution," and two opposed evaluations of the eminent justice.

*Land Uses in American Cities.* BY HARLAND BARTHOLOMEW. ASSISTED BY JACK WOOD. (Cambridge, Mass.: Harvard University Press. 1955. Pp. x, 196. \$6.50.)

Here is a valuable comparative study for those concerned with urban development. The statistical and graphic information presented is derived from uniform land use surveys conducted during the past twenty years by the author and his assistants. The author believes "that the majority of conclusions valid for a diverse group of cities will apply, in appropriately modified form, to any city of approximately the same size."

*The Meaning of America: Essays toward an Understanding of the American Spirit.* BY LEBLAND DEWITT BALDWIN. (Pittsburgh, Pa.: University of Pittsburgh Press. 1955. Pp. 319. \$4.00.)

A group of interpretive essays which seek "to explain the United States by examining some aspects of its history and its historical psychology." The range is wide and the comment perceptive.

*The Populist Revolt: A History of the Farmers' Alliance and the People's Party.* BY JOHN D. HICKS. (Minneapolis, Minn.: The University of Minnesota Press. 1955. Pp. xii, 473. \$6.00.)

A reissue and second printing of "the best account of populism," originally published in 1931 and out of print for some years.

*Presidential Ballots, 1836-1892.* BY W. DEAN BURNHAM. (Baltimore, Md.: The Johns Hopkins Press. 1955. Pp. xix, 956. \$10.00.)

A compilation of a series of elaborate tables of statistical information with respect to all presidential elections from 1836 to 1892, inclusive, "broken down to the smallest unit of analysis generally used—the county," introduced by an essay of 162 pages. It carries backward the work of Edgar Eugene Robinson which deals with the presidential vote after 1892.

*Principles and Problems of American National Government.* By JOHN M. SWARTHOUT AND ERNEST R. BARTLEY. (New York: Oxford University Press. 2nd ed. 1955. Pp. xii, 852. \$6.25.)

This revised edition of a standard American government text has left unchanged the basic approach of its authors but has sought to strengthen the work in three areas. First, it has brought the story of American government up to date by covering the changes accomplished in the first half of the Eisenhower Administration. Second, additional material has been added on foreign relations and civil liberties. Last, a considerable number of new charts and tables have been included.

*The Socialist Party of America: A History.* By DAVID A. SHANNON. (New York: The Macmillan Co. 1955. Pp. xi, 320. \$4.50.)

A careful analysis of the organization, leadership and activities of the American Socialist party from its formation in 1901 until its "last rites and post mortem" in 1954.

*Thomas J. Walsh: A Senator from Montana.* By JOSEPHINE O'KEANE. (Francostown? New Hampshire: Marshall Jones Co. 1955. Pp. 234. \$4.00.)

A life of a famous United States senator written by a close relative who derived much of her information from family sources and from friends and political associates of the subject. A variety of published sources was also used.

*William Lloyd Garrison and the Humanitarian Reformers.* By EUSEB B. NYE. EDITED BY OLEF HANDLIN. (Boston and Toronto: Little, Brown and Co. 1955. Pp. vi, 215. \$3.95.)

A scholarly and well-written account of the life of Garrison and the part he played in the abolitionist movement.

## SELECTED ARTICLES AND DOCUMENTS ON AMERICAN GOVERNMENT AND POLITICS

FRANKLIN L. BUECHTE

*University of Maryland*

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## FOREIGN AND COMPARATIVE GOVERNMENT

*The Politics of the Prussian Army, 1640-1945.*

By GORDON A. CRAIG. (New York: Oxford University Press. 1955. Pp. xx, 536. \$11.50.)

The documentary windfalls resulting from the transfer of German archives to Allied control have enabled historians to correct numerous errors of judgment and of omission. One of the most serious errors in that respect concerned the role and influence of the Ger-

man army in domestic and international politics. Not that the Seeckt, Groener, and Stresemann papers, to mention only the most significant of the newly acquired sources, provide a better insight into the phenomenal political prowess and influence of the army leadership, the conclusion is strengthened that historical research without the benefit of access to secret files is partial at best.

Professor Craig's excellent study is a long step toward elimination of a serious gap. It is regrettable that an element of confusion is introduced by the designation of the book as an analysis of the Prussian army. Actually, this is not only a study of the *Prussian* army but also of "the German army which grew out of it and which inherited its traditions." The author's contribution lies primarily in a re-evaluation of German history in the light of new insights, particularly concerning the scope and intensity of the army's interference in the affairs of several Prussian and all-German regimes. Skillfully applying new perspectives to long familiar and presumed exhausted accounts, Craig uncovers many hitherto concealed emphases and camouflaged relationships. In the sphere of conflict between civilian (absolute, constitutional-monarchic, or democratic) authority and the military, the study tends to reverse the roles of some heroes and of some villains.

The gradual but steady arrogation of political power by the leaders of Prussia's army set the stage for the anomaly of all subsequent German constitutional systems, namely the existence of a virtually sovereign military state within the constitutional framework. The power and prestige enjoyed by the military in all Prussian-German states from 1640 to 1933 stemmed from two related factors. First, there appears to have developed, as a direct result of the military origins of the economically, politically, and ideologically weak Prussian state, an identification of the military establishment as "the true embodiment of the national interest." This identification was widespread and gradually accepted by all social and economic classes. Where there was evidence of scepticism, social and educational policies were designed to cope with the lack of enthusiasm. Second, the army succeeded in finding powerful allies in its campaign to translate this identification with the national interest into significant constitutional and political privileges. At times, it seems that the state existed for the benefit of the army instead of the other way around.

In addition to the illuminating discussion of the army's march to political power, the study throws new light on the formulation, conduct, and control of Prussian, subsequently German, foreign policy. The book is indispensable reading for the student of past and of contemporary German affairs. Having read this book, the reader will follow the current discussions concerning the new German army with bated

breath.—HENRY L. BRETTON, *University of Michigan*.

*Communism and the Russian Peasant, and Moscow in Crisis.* BY HERBERT S. DINERSTEIN, AND LEON GOURÉ AND HERBERT S. DINERSTEIN, RESPECTIVELY. (Glencoe: The Free Press. 1955. Pp. xviii, 254, \$4.50.)

It is gratifying to be able to endorse the appraisal of Professor Mosley given in the Foreword to this volume: "These two investigations make valuable contributions, in both substance and methodology, to the study of the Soviet system of control." Beyond that the first renders unmistakable support to the thesis brilliantly stated shortly before World War II by Walter Lippmann in *The Good Society* that it is impossible to serve the general welfare through total planning and the abandonment of the market. Planning cannot supplant the market either in providing incentives or in organizing the countless transactions in terms of which a modern society operates.

The first investigation deals with the impact of Communist organization of agriculture upon the Russian peasant. It also seeks to evaluate the success of that organization in accomplishing the targets consciously set by the leaders. Attempting to get behind the official façade, Dinerstein concludes that Soviet agriculture is a failure in accomplishing the needs of the people. Bureaucracy proliferates, becomes an end in itself, and devises methods for showing on paper what it cannot show in fact. Using a conception of the possible, data provided by informants, and materials from the Soviet press, the author produces a picture of the failure of the system and of the methods it implies. In this context the tragic fact appears that the regime will persist in the employment of methods that have been destined to failure from the beginning. The author shows a commendable willingness to set down generalizations and evaluations as ambitious as the data appear to warrant. This reviewer is convinced that the conclusions of this study are valid. It would have been an invaluable contribution if the author had described in detail the methods he has employed in using informants, how he has balanced the particular perspective of one against that of others, how he selected them in terms of background. This is not to suggest, of course, that informants must be evaluated statistically or multiplied to reach some magic figure or cross-section.

The second investigation employs similar



methods in describing what happened in Moscow in the government, in the relations of government to the people, and among the people as the Germans approached the city in October, 1941. The result is a capsule study of a dictatorship in a moment of travail. All the special problems of control and communication emerge. A kind of tragic vignette presents itself in the details of which can be seen the potential in the people for spontaneous action and reaction. How special and fragile is the rapport between the government and the people! Lessons of vital importance for present and future attempts to deal with the Soviet Union emerge. But in this case also, the authors would have increased the confidence of their readers had they revealed more fully their method of using informants. The reviewer is not suggesting that they should have done what they did not mean to do, but only that he would have profited greatly from such information.—GEORGE A. LIPSKY, *American University*.

*The Failure of the Roman Republic.* By R. E. SMITH. (New York and London: Cambridge University Press. 1955. Pp. viii, 201. \$4.75.)

Professor Smith and Cicero would have had much in common. Both regret the failure of the Roman republic and they would have agreed that its collapse was due not to the failure of governmental institutions but to the decay of the Roman spirit and traditional morality. The cause of this decline is seen by Professor Smith in the tactics adopted by the Gracchi who, on the basis of political expediency, turned the people against the Senate and thus ushered in a succession of increasingly bitter civil strifes with disastrous consequences for the tone of Roman culture as a whole. In a sense Professor Smith's analysis is Aristotelian for it poses the question: if a people lose the spirit of their polity how can the constitution survive? The spirit of the republic was destroyed and the Augustinian revival, although it revitalized Rome, did so on the basis of another "polity," for the republic once destroyed could, despite Cicero's longings, never be recreated again.

*Japan's Modern Century.* By HUGH BORTON. (New York: The Ronald Press Co. 1955. Pp. xii, 524. \$7.00.)

A useful and well-written history of Japan since 1850. About 100 pages are devoted to the war and post-war years, and the conclusion stresses the persistence of Japan's "undemo-

cratic" traditions and of economic dilemmas. An appendix includes the Potsdam Proclamation, the 1945 surrender document and Imperial Decree, and the 1889 and 1946 constitutions.

*Modern Japan: A Brief History.* By ARTHUR E. LIEDEMANN. (Princeton, N. J., New York, Toronto, and London: D. Van Nostrand Company, Inc. 1955. Pp. 192. \$1.25.)

From Shogunate to 1954 in 90 pages, plus another 50 pages of documents, including the 1636 edict closing Japan, the Meiji Constitution, the Twenty-One Demands, the Tanaka Memorial, the new Constitution, and the 1951 peace treaty. History admirably compressed and documents well-selected.

*Indonesian Trade and Society: Essays in Asian Social and Economic History.* By J. C. VAN LEUR. (The Hague, Bandung: W. Van Hoeve Ltd. Distributed in the United States by the Institute of Pacific Relations. 1955. Pp. xix, 465. \$4.00.)

A translation of the collected papers of a young Netherlands civil servant who was killed in 1942 in the battle of the Java Sea, and whose facts and theories have only recently gained considerable acceptance among Indonesian scholars; his approach is a break with the Dutch "colonial historians" and is an attempt to apply Max Weber's methodology to the study of the social and economic history of Southeast Asia.

*Indonesian Sociological Studies. Part I. Selected Writings of B. SCHRIEKE.* (The Hague, Bandung: W. Van Hoeve Ltd. Distributed in the United States by the Institute of Pacific Relations. 1955. Pp. vii, 213. \$3.00.)

Translations from some pioneering work by the late Dutch sociologist, including a general article on acculturation, three studies on specific aspects of acculturation in Indonesia, and a paper on communism in prewar Indonesia. Except for the last paper, the researches are concerned with the nineteenth century and earlier.

*Integrated Europe!* By MICHAEL T. FLORINSKY. (New York: The Macmillan Co. 1955. Pp. x, 182. \$3.50.)

Professor Florinsky has no quarrel with the arguments in favor of a unified Europe, is impressed with the progress in the field of

military defense, but is skeptical that any real advance toward economic or political unification can overcome the traditions and the realities which bar the way.

*North American Supply.* By H. DUNCAN HALL. (London: Her Majesty's Stationery Office and Longmans, Green and Co. 1955. Pp. xvi, 559. \$6.30.)

A volume in the British official history of the Second World War, this study will be of general interest to anyone concerned with the problems of procurement and supply for modern war, and should be of special value to American political scientists for its attention to (a) the prewar role of the United States, including neutrality laws, the destroyer-bases trade, and events leading up to lend-lease; (b) the mechanics and the administration of wartime economic collaboration; and (c) the indications of trouble to come in the exchange difficulties arising from the end of lend-lease.

*Victorian People: A Reassessment of Persons and Themes, 1851-67.* By ASA BRIGGS. (Chicago, Ill.: The University of Chicago Press. 1955. Pp. ix, 312. \$5.00.)

Curious, entertaining, and very British collection of essays about ten Englishmen and the years from the Great Exhibition of 1851 to the Second Reform Bill of 1867. Through an examination of the thought, writing, and activities of these men—many not familiar to the present generation (e.g., Sir Joseph Paxton, John Arthur Roebuck, Samuel Smiles, John Bright, Robert Lowe)—the author seeks to demonstrate the "unity" of the "golden age" of Victorian England.

*Between Liberation and Liberty: Austria in the Post-War World.* By KARL GRUBER. TRANSLATED BY LIONEL KOCHAN. (New York: Frederick A. Praeger. 1955. Pp. 240. \$4.50.)

An English translation of a book first published in German in Vienna in 1953. Using his first-hand knowledge gained as Foreign Minister of Austria from 1945 to 1953, the author, at present his country's ambassador in Washington, gives a vivid personal account of the negotiations conducted in the quest for an Austrian Peace Treaty.

*The Colossus Again: Western Germany from Defeat to Rearmament.* By ALFRED GROSSER. TRANSLATED BY RICHARD REES. (New York: Frederick A. Praeger. 1955. Pp. 249. \$4.75.)

Having examined the causes and the manner in which Germany was split into two states, the author, a French student of German affairs, considers the major developments in Western Germany up to 1954. He deals successively with the economic problems; the social structure, concentrating mainly on youth, workers, and expellees from the East; moral and intellectual forces and influences, such as church, school, and press; and the political "superstructure." He concludes with a brief discussion of French opinion on Germany.

*The Failure of the Prussian Reform Movement, 1807-1819.* By WALTER M. SIMON. (Ithaca, N. Y.: Cornell University Press, 1955. Pp. xii, 272. \$4.00.)

The purpose of this book is to analyze the obstacles which foiled the Prussian reform movement in 1807-1819 and thus, as the author puts it, "made it certain that when Germany was finally unified, German cultural values were submerged by unreconstructed Prussian militarism and authoritarianism." Among the major causes of the failure he lists the inability of German liberals and nationalists to reach a working alliance, the collapse of the European balance of power which made Prussia vulnerable to pressures from abroad, and the impact of certain actions of Napoleon.

*The Russian Marxists and the Origins of Bolshevism.* By LEOPOLD H. HAIMSON. (Cambridge, Mass.: Harvard University Press. 1955. Pp. viii, 246. \$5.50.)

In this book an attempt is made to evaluate the conditioning character of the environment in which the nineteenth-century Russian intellectuals developed and to indicate how this environment unshackled and yet limited the potentialities of the leaders of Russian Marxism: Plekhanov, Axelrod, Matkov, and Lenin. Although these four men were inheritors of the same intellectual tradition, they were nevertheless distinguished by certain personality differences which eventually resulted in the formation of two divergent views as to the method of applying Marxism in Russia: Bolshevism and Menshevism. The author sees these differences as coming to the fore when the autocracy, opposition to which had been the unifying force among the four men, commenced to totter and the possibilities of successful revolution began to emerge. By 1905, the point of terminus of the authors' study, these differences had become apparent

and became permanently embodied in the Leninist theory of party dictatorship and the Menshevik's policy of democratization of the party structure.

The book is a stimulating essay in intellectual history and of considerable value in explaining the relationship of Russian Marxism to the environment in which it grew and developed.

*Electoral Practices in the U.S.S.R.* By GEORGE BARR CARSON, JR. (New York: Frederick A. Praeger, 1955. Pp. viii, 151. \$3.50.)

A matter-of-fact description of the system of elections to local soviets in the USSR and of its operation in practice. An introduction summarizes briefly the main features of the electoral system of Tsarist days.

*Government Publications: Official Indexes, Lists, Guides, Catalogues.* (London: H. M. Stationery Office, 1955. Pp. 14.)

This useful statement about the various types of indexes, etc., to British government publications was first issued in 1939, is intended "for the convenience of librarians, officials and other specialist users," contains many informative notes, and indicates those indexes, etc., that are no longer available in print. At the end, a statement is given about the catalog service of H. M. Stationery Office. Since this is not a priced publication, it may easily escape attention despite its importance.—J.B.C.

*House of Commons, 1955, with Full Results of the Polling, Biographies of Members and Unsuccessful Candidates, Photographs of all Members, and a Complete Analysis, Statistical Tables, and a Map of the General Election, May, 1955.* (London, The Times, 1955. Pp. 284. Map. 12/6.)

This work, referred to as *The Times Guide to the House of Commons*, 1955, includes in addition to the analysis of the election of 1955 a statement of the electoral boundary revisions, and reproduces the principal party manifestoes. The main part of the work is a biographical directory with portraits, and the volume might be characterized as an unofficial directory of the House of Commons.—J.B.C.

*Senato e Camera nei Loro Rapporti e Costituzione (1848-1948).* By SPARTACO CANNARSA. (Roma: Sciarano, 1955. Pp. 310.)

The analyses in chronological order of the

two legislative chambers of Italy from the time of the Sub-Alpine Parliament to the end of the Kingdom of Italy is characterized as a "Piccola enciclopedia parlamentare," and presents material about one of the great foreign parliaments that should in some degree be more readily available in English.—J.B.C.

*Handbuch der Sowjetzonen-Volkskammer. 2. Legislaturperiode (1954-1958).* By INFORMATIONSBÜRO WEST. (Berlin-Schlachtensee, 1955. Pp. 386.)

Since the Volkskammer of the German Democratic Republic has never issued a *Handbuch* as has the Bundestag of the German Federal Republic, the Informationsbüro West has attempted to supply the deficiency as of June, 1955. About 240 pages are devoted to biographical sketches of the deputies. Thus anyone desiring information about these individuals may have access to it freely so far as it has been possible to collect it, without being open to the charge of spying. In addition to the deputies, sketches are given for only about half of the 66 representatives from Berlin. At the beginning of the volume, the text of the constitution of the German Democratic Republic, the election laws, and the rules of procedure of the Volkskammer are given. At the end of the volume are included the law and regulation concerning the Ministerrat, a brief directory of the government, and the laws and orders concerning the conferment of state orders and distinctions. For the first time, up to date basic information about the organization of the German Democratic Republic is readily accessible in one place.—J.B.C.

*Verzeichnis der Behörden in Baden-Württemberg. Frühjahr, 1955.* By THE INNEN-MINISTERIUM. (Stuttgart, 1955. Pp. 95.)

*Amliches Gemeindeverzeichnis Baden-Württemberg, 1955, mit Behördenführer.* By STATISTISCHES LANDESAMT. (Stuttgart, 1955. Pp. 54. Statistik von Baden-Württemberg. Bd. 18. I M 3.)

The official directory for the new state of Baden-Württemberg includes at the beginning a directory of the Federal agencies functioning in that state, and at the end "Kirchen und sonstige Religionsgemeinschaften" as well as "Spitzelverbände und Vereinigungen," and was issued as a "Beilage zum Gemeinsamen Amtsblatt." There is an index to agencies but not to persons. On pages 4-5 is a table of abbreviations to offices, titles, etc.

The official list of the cities, towns, and other

governmental districts of Baden-Württemberg gives the area and population and contains by Kreis a statement of the various state agencies having jurisdiction or functioning there.—J.B.C.

*The Ethiopian Empire—Federation and Laws.*

By NATHAN MAREIN. (Rotterdam: Royal Netherlands Printing and Lithographing Co. 1954. Pp. 455.)

Marein, as advocate general and general adviser to the Imperial Ethiopian government, had unusual opportunity to become thoroughly familiar with the material treated, and published this work privately on his own initiative. The first chapter of about fifty pages deals with the constitution and government of Ethiopia. Chapter 16 is devoted to a short history of the administration and constitution of Eritrea, which was federated with Ethiopia in September, 1952.—J.B.C.

*Lista del Cuerpo Diplomático y Directorio del Gobierno Nicaragüense.* By DIRECCIÓN DEL CEREMONIAL DIPLOMÁTICO, MINISTERIO DE RELACIONES EXTERIORES. (Managua, Nicaragua: Talleres Nacionales de Imprenta y Encuadernación. 1955. Pp. 81.)

In view of the great difficulty in securing up-to-date information as to the principal officials

of the government in many countries, it is particularly refreshing to note that the current edition of the Nicaraguan diplomatic list as of March, 1955, includes a government directory on pages 56-76.—J.B.C.

*Código Electoral. Con sus Modificaciones y Resoluciones del Tribunal Superior Electoral. Para las Elecciones Generales del 1.º de Noviembre de 1954.* EDITED BY LCDO. MICO URRUTIA. (Habana: Imp. Valcayo. 1954. Pp. 144.)

An unofficial edition of the Cuban Electoral Code, which was promulgated as decree-law no. 1215 of November 26, 1953, published in the *Gaceta oficial*, December 10, 1953, to govern the elections of November 1, 1954.—J.B.C.

*Althingiskosningar, árið 1953.* (Reykjavik. 1954. Pp. 36. Hagskýrslur Islands, II 8. Kr. 6.00.)

The official statistical report on the 1953 elections to the Althing, the Parliament of Iceland, although in Icelandic, has the captions to the tables also in English, thus making the tables available for the use of those not reading Icelandic. In 1953, the total number of registered voters was 87,601.—J.B.C.

## SELECTED ARTICLES AND DOCUMENTS ON FOREIGN AND COMPARATIVE GOVERNMENT

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## INTERNATIONAL LAW AND RELATIONS

*International Conflict and Collective Security: The Principles of Concern in International Organization.* By WILLARD N. HOGAN. (Lexington, Kentucky: University of Kentucky Press. 1955. Pp. vii, 202. \$3.50.)

"Collective security" is a wonderfully intriguing issue to write about these days because there is so much disagreement about it—except for the general consensus that there is precious little of it in existence. Hans Morgenthau writes in the second edition of his *Politics Among Nations*, "... collective security cannot be made to work in the contemporary world ..." (p. 392); while his colleague, Quincy Wright, insists in his *Problems of Stability and Progress in International Relations*, "I believe that collective security can work ..." (p. 111). Into this lively contest now marches one more book on the subject by Professor Willard N. Hogan.

Since one of the basic difficulties in wrestling with the concept of collective security is to get some agreement on what we are wrestling with, one appreciates the author's dispatch in addressing himself in the first chapter to the clarification of terms. Unfortunately, he still leaves matters a bit clouded by defining collective security via the less familiar expression, "principle of concern" ("a recognition that conflict among the members of a group affects the entire group and that a unilateral resort to violence against any member constitutes an offense against all members"). Not until the last ten pages of the book does he present a more comprehensive definition, but there he gives scant attention to the "principle of concern." Even that definition, however, devotes more attention to a denial of Morgenthau's assumptions than to the development of a positive and full-blown set of criteria of his own comparable to those suggested by Wright in his discussion of the problem in the work quoted above. Upon such criteria, of course, rests the outcome of the entire argument.

Hogan's principal contribution is a careful and thorough review of the evolution of the collective security concept during the League of Nations era to which he devotes 180 of his total 188 pages. The general pattern of this story is suggested by the chapter headings: "Acceptance: The League of Nations," "Limitation," "Modified Application," and "Disintegration." This is a very useful piece of analysis since observers of the international

scene so frequently forget that the United Nations is little more than an extension of the League that one cannot understand the son without knowing the father, and that whatever the League was able to accomplish required greater boldness and imagination than is necessary now with the trail pretty well blazed.

It is regrettable, however, especially at this time when the United Nations Charter is being scrutinized so carefully, that Hogan did not find it possible to allot more than one of his six chapters to the United Nations experience, which by this time has covered half the life-span of the League. In that brief space he could only sketch the barest profile of the development of the last ten years. He does, nonetheless point very effectively to the plain fact that, while there is still no airtight collective security system in existence, we have witnessed actions that have provided considerable support for the collective security goals of both the United Nations and complementary arrangements. Furthermore, in a world of imperfect choices, this study indicates that even very halting collective steps may prove more advantageous than any other alternative available—H. FIELD HAVILAND, JR., *Harvard College*.

*Survey of International Affairs, 1939-1946: The Far East 1942-1946.* By F. C. JONES, HUGH BORTON AND B. R. PEARN. (London, New York, and Toronto: Oxford University Press. 1955. Pp. xiv, 589. \$14.00.)

*Survey of International Affairs, 1939-1946: The Realignment of Europe.* EDITED BY ARTHUR TOYNBEE AND VERONICA M. TOYNBEE. (London, New York, Toronto: Oxford University Press. 1955. Pp. xvi, 612.)

Two additional volumes in the Royal Institute's massive survey of the war years; five other volumes have already appeared and others are in preparation. In the Far East volume Mr. Jones contributes detailed summaries of general developments in the Far East during the war and of events leading to the resumption of the Chinese civil war late in 1945; Mr. Pearn provides a concise summary of the first 16 months of peace in Southeast Asia; and Professor Borton deals with Japan—occupation policies, internal problems, and

domestic politics—and with the unhappy fate of divided and occupied Korea.

The second volume, edited by the Toynbees, is an encyclopedic survey of the first 18 months of peace in Europe. Twelve different authors have contributed to this survey, which includes an analysis of Europe's economic difficulties and the first efforts at economic rehabilitation, and then proceeds to a country-by-country examination of problems which at the time seemed without end and nearly insoluble.

*1954 Annual Review of United Nations Affairs.*

EDITED BY CLYDE EAGELTON, WALDO CHAMBERLIN, AND RICHARD N. SWIFT. (New York: New York University Press. 1955. Pp. xi, 253. \$4.50.)

This 1954 annual review marks a departure from the five previous volumes in this series. The authors and other contributors present an analysis and evaluation of what has taken place during the United Nations' year, under six main headings: "International Peace and Security," "Economic Matters," "Social and Humanitarian Matters," "Trusteeship and Non-Self-Governing Territories," "Law and Courts," and "Administrative Matters." Chapter VII presents a special study by Professor Chamberlin on "The Public Relations of the United Nations."

*Foreign Affairs Bibliography: A Selected and Annotated List of Books on International Relations, 1942-1952.* BY ROBERTS L. HENRY ASSISTED BY JEAN GUNTHER AND JANIS A. KRESLINS. (New York: Harper & Brothers. 1955. Pp. xxii, 727. \$10.00.)

An extremely useful compilation of the titles of over 9,000 books in 34 languages published during the decade; the volume was prepared by the Council on Foreign Relations and its entries are drawn in large part from the valuable quarterly bibliographies appearing in *Foreign Affairs*, although several thousand new titles have been added. The volume is divided into three major sections—general international relations, the world since 1914, and the world by regions. Each section is in turn broken down into more specific categories. There are also author and title indexes.

*The United States in World Affairs, 1953.* BY RICHARD P. STEBBINS WITH THE ASSISTANCE OF GRANT S. MCCLELLAN. (New York: Harper & Bros. 1955. Pp. xiv. 512).

As well-written and as comprehensive as in the past, the Council on Foreign Relations'

annual summary covers the first year of the new Republican Administration, a year marked by the Berlin uprising and the shifts in Soviet leadership, protracted debate over the proposed E.D.C., the Korean armistice, the growing realization of the destructive nature of hydrogen weapons, deterioration in Indochina, and a thousand other events and developments whose unwinding will keep Mr. Stebbins and his collaborators at work indefinitely.

*Foreign Relations of the United States: Diplomatic Papers, 1940. Volume IV, The Far East.* (Washington, D. C.: Government Printing Office. 1955. Pp. iv, 1022.)

A volume concerned almost entirely with Japan: the threat of that nation's southward expansion, the war against China, internal political developments, and U.S.-Japanese negotiations.

*Documents on American Foreign Relations, 1954.* EDITED BY PETER V. CURL. (New York: Harper & Brothers. 1955. Pp. xxii, 506. \$5.00.)

The sixteenth appearance of this annual collection of important communiques, policy statements, and diplomatic exchanges; the range of material once again demonstrates the complexity and the all-inclusiveness of U.S. foreign policy.

*Nationalism: Its Meaning and History.* BY HANS KOHN, (Princeton, N. J., New York, Toronto, and London: D. Van Nostrand Company, Inc., 1955. Pp. 192. \$1.25.)

A brief re-statement by a man whose qualifications for the task are widely known, supplemented by 23 readings ranging from Machiavelli to Nehru and Sun Yat-Sen, and including Herder, Hegel, Mazzini, Napoleon, Danilevsky, Mussolini, and others.

*An Introduction to American Foreign Policy.* BY EDGAR S. FURNISS, JR. AND RICHARD C. SNYDER. (New York: Rinehart & Company, Inc. 1955. Pp. xii, 252. \$3.00.)

An attempt to explain the essentials of foreign policy analysis, to review U.S. foreign relations from 1789 to 1939, and to examine the new problems of foreign policy for this nation in light of postwar conditions, the traditions and expectations of American society, and the restraints imposed upon policy making by the nature of the political system.

*An Introduction to the Law of Nations.* By OSCAR SVÆVLEN. (New York, Toronto, and London: McGraw-Hill Book Company, Inc. 1955. Pp. xv, 478. \$5.00.)

This is a welcome addition to the textbooks on international law and will be especially useful for one-semester courses. It covers the most essential topics without including too many details. While it makes good use of judicial cases and diplomatic practices, it also gives a considerable amount of historical and philosophical background.

*The International City of Tangier.* By GRAHAM H. STUART. (Stanford, Cal.: Stanford University Press. 2nd. ed. 1955. Pp. xv, 270. \$6.00.)

Brings up to date Professor Stuart's study, first published in 1931, of a unique experiment in international control of a strategically located city, and of the problems of governing in such a city.

*North African Powder Keg.* By EDMUND STEVENS. (New York: Coward-McCann, Inc. 1955. Pp. 273. \$3.75.)

Timely, journalistic, full of facts and local color. The author of this survey of Morocco, Algeria, Tunisia, and Libya is the Rome correspondent for the *Christian Science Monitor*.

*The Passing of American Neutrality, 1937-1941.* By DONALD F. DRUMMOND. (Ann Arbor: The University of Michigan Press; London: Oxford University Press. 1955. Pp. vi, 409. \$7.50)

The evolution of American foreign policy from the neutrality act of May 1, 1937 to the Japanese attack on Pearl Harbor, with con-

siderable attention to changes in public opinion, strategic calculations, and the personalities who helped shape the decisions of the period.

*The UN Record: Ten Fateful Years for America.* By THESLEY MANLY. (Chicago: Henry Regnery Co. 1955. Pp. xi, 256. \$3.95.)

A former *Chicago Tribune* correspondent at the United Nations concludes that the organization is not only a failure, but that American security and the success of American foreign policies have been and are endangered by membership in the organization.

*Ten Years of United Nations Publications, 1945 to 1955: A Complete Catalogue.* (New York: Department of Public Information, United Nations. 1955. Pp. 271. \$0.50.)

The annual sales catalog of United Nations publications is replaced for 1955 by a ten-year cumulation, doing away with the need to consult the previous annual catalogs of the printed publications. The period covered is from the 1945 San Francisco Conference to December, 1954. The specialized agencies of the United Nations which issue their own publications, are not included, only a list of the addresses of these agencies being given.—J.B.C.

*Psychological Warfare: An Introduction to Ideological Propaganda and the Techniques of Psychological Warfare.* By BELA SZUNYOGI. (New York: The William-Frederick Press. 1955. Pp. 117. \$3.00.)

A brief study of the ideological strategy, techniques, methods of and organization for propaganda transmission and of justifications for psychological warfare, by a refugee Hungarian physician.

## SELECTED ARTICLES AND DOCUMENTS ON INTERNATIONAL LAW AND RELATIONS

WILLIAM H. ROBERTS

*Catholic University of America*

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## POLITICAL THEORY, RESEARCH, AND METHODOLOGY

*Rebels and Democrats: The Struggle for Equal Political Rights and Majority Rule during the American Revolution.* By ELISHA P. DOUGLASS. (Chapel Hill: University of North Carolina Press. 1955. Pp. xiv, 368. \$5.00.)

During the past thirty years the domestic significance of the American Revolution as a social movement within the revolting colonies has been emphasized by many historians. Until recently one of the generally neglected phases of this social revolution within a political revolution, however, was the struggle within the "Whig party" between the politically unprivileged lower ranks and the leaders over the basic questions of equal political rights for all adult free males and majority rule. This cleavage appeared in most of the colonies in the late colonial period. It became more pronounced as American democratic ideas crystallized during the dispute with England, and in a few states it led to an interesting struggle over the framing and content of the first state constitutions. The principal battlegrounds were the individual states. Although the "democrats," often unorganized and leaderless, won very few important victories at this time over the politically entrenched "conservatives," the conflicts between the two groups served to identify most of the political issues that were to be debated for many decades in post-Revolutionary state constitutional conventions.

Professor Douglass' book is an interesting, readable account of this struggle. Following two introductory chapters that lay the proper groundwork, the author describes the radical-conservative conflict in South Carolina, Maryland, New York, North Carolina, Massachusetts, and Pennsylvania, and in two brief notes as appendices he summarizes what is now known about the Revolutionary movement in New Hampshire and Georgia. In a chapter entitled "Thomas Jefferson and Revolutionary Democracy," he compares and contrasts the philosophical and institutional ideas of Jefferson with those of the dissident democratic groups of the Revolutionary era. In a concluding chapter, the author pays tribute to both contending groups in this manner: "The programs of the Revolutionary Whigs and democrats are therefore complementary to each other. Neither eighteenth-century liberalism nor eighteenth-century democracy was capable by itself of providing political freedom" (pp. 325-26). This conclusion is sound.

*Rebels and Democrats* is an important addition to the literature concerned with the growth of American political ideas and institutions in this formative period. Each chapter is fully documented, and a concise "Bibliographical Note" gives a brief evaluation of the most pertinent books, pamphlets, documents and newspapers relating to the democratic movement of this period. Finally, it should be

stated that the author has carried out well the task set forth in the Preface: "... to write a useful book which might illuminate to some degree the origins of our democratic ideas and political institutions and stimulate further interest in the subject."—J. ALTON BURDINE, *The University of Texas*.

*The Little Community: Viewpoints for the Study of a Human Whole.* BY ROBERT REDFIELD. (Chicago: University of Chicago Press, 1955. Pp. 182. \$4.00.)

Redfield has told us that there are many ways of looking at and describing communities. By looking at and describing *small* communities in his terms we get societal and cultural overviews that help us to understand the human whole. He does not tell us precisely *how* one goes about the process of observation, but he cites study values drawn from his own experiences, scholarly research, and observations that should be helpful in providing a broad and broadening approach to community field observations. He gives us a series of viewpoints from which to make our observations.

Drawing heavily on his own study of three Mexican villages, *Folk Culture of Yucatan*, and less heavily on Evans-Prichard's work on the Nuer tribesmen of the Sudan, Redfield reasserts the thesis that since the small community can be seen and mentally grasped as a whole, and since world social organization is predominantly made up of small communities, one can make a good beginning at explaining and describing the whole of society and culture by comparing such individual, whole communities. Four qualities of the small community which identify it and make it amenable to comparison are these: distinctiveness, smallness, homogeneity, and all-providing self-sufficiency.

If the researcher accepts the small community as a base for observation, he must then take into account the problem of seeing the community from the viewpoint of its members and at the same time "maintain a detachment sufficient to make the description meaningful to scientists." In part this requires ability to adopt a "world view," a philosopher's approach to the whole, and ability to "wait and listen to hear if one or many of the natives have themselves conceived an order in the whole." At the same time the researcher needs to take into account the various facets of community description: ecology, social structure, and history—all back-of-the-mind elements in the research process. So far so good! And that

is about as far as Redfield goes with the exception of passing reference to the problems posed by "national state societies."

In the opinion of this reviewer a community approach to a description of world order is quite valid. However, since the metropolitan centers are anchor points of power, commerce, cultural reference, communication, and the like, to use *only* the small community in such a description leaves out the major element of modern world order. The great cities are the stars of societal and cultural constellations. The small communities are merely their satellites. The large centers would seem to provide a base for more accurate description than their peripheral social groups.

If I have done an injustice to Mr. Redfield, the fault lies mostly in my inability to follow him at those points where he comes upon a point, almost makes it, and goes on to another topic. The book is based, of course, on Redfield's Göttingen lectures at Sweden's Uppsala University, and points are sometimes made in the lecture hall by tonal emphasis and gesture rather than by words in logical sequences.—FLOYD HUNTER, *University of North Carolina*.

*The Communist Theory of Law.* BY HANS KELSEN. (New York: Frederick A. Praeger, Inc. 1955. Pp. viii 193. \$5.00.)

Marx, Engels, and, later, Lenin were not concerned much with legal theory. The rise of the Soviet state created the practical need for a theory of law derived from, or at least compatible with, the general theory of Marxism-Leninism and the reality of political life in the Soviet Union. Kelsen's *The Communist Theory of Law* summarizes his studies of communist legal theories which he has carried on in the last 30 years and some of the results of which were first published in German. The book in no way duplicates the recent studies by Hazard and Berman in this country and Schlesinger's work in Great Britain, but rather supplements them. The author has been the world's leading legal theorist for over a generation, and it is therefore understandable that his approach to the communist theory of law is largely based on his own conception of the law, as defined in his numerous treatises on law and the state. The first two chapters deal with the political and legal theories of Marx, Engels and Lenin, and are probably the best brief summary analysis of the subject, incorporating and further developing some of the ideas Kelsen expressed in his recently pub-

lished short book on *The Political Theory of Bolshevism* (1949). In Chapters III–VIII Kelsen takes up the major Soviet legal theoreticians, such as Stuchka, Pashukanis, Reiser, and Vyshinsky, and confronts their formulations both with the theory of communism as well as with the postulates of a general theory of law. Finally, in the last chapter Kelsen examines the implications of Soviet legal theory for the field of international law. Because of their more general subject-matter, the first two and the last chapters of *The Communist Theory of Law* will probably have the greatest appeal to the general political scientist. Kelsen writes with his usual verve and incisiveness, and even the more technical chapters of the book are enlivened by his breadth of interest and depth of analysis.—WILLIAM EBENSTEIN, *Princeton University*.

*Philosophen in Spiegel und Zerrspiegel: Deutschlands Weg in den Nationalismus und Nationalsozialismus*. By FRIEDRICH GLUM. (München: Isar Verlag. 1954. Pp. 287.)

Professor Glum of the University of Munich spent some time after the war as a guest professor in England and the United States. Prior to this he had become acquainted with American and British educators who had entered Germany under the Occupation authority. Inevitably his contacts with them led to discussions of the reasons for the appearance of National Socialism in Germany and especially to the relationship of Nazi ideology to historic political philosophy. The present book is the author's attempt to deal with these problems. He first deals with the sociological and ideological foundations of German nationalism and National Socialism. Here are analyzed the youth movements, the conservative political revolution, and the experiences of World War I as roots out of which the Nazi movement grew. The second portion deals with ideological factors and here Fichte, Hegel, and Nietzsche and their Western counterparts—Locke, Rousseau, and de Tocqueville—are discussed. The author concludes that the traditional German philosophers can be made into supporters of the Nazi ideology only by a considerable distortion of their meaning and intent. Hence the significance of the title of the book: *Philosophen in Spiegel und Zerrspiegel*. In the concluding section Professor Glum attempts to put his political philosophers in their correct perspective and to deduce from them the foundations for a workable democratic theory. The work is of considerable interest both because it is re-

freshing and provocative and because it expresses the thought of a contemporary German political theorist and thus gives us some insight into the climate of opinion existing in certain sections of the German academic community.—H. M. M.

*International Bibliography of Political Science.*

*Volumes II*. PREPARED BY THE INTERNATIONAL POLITICAL SCIENCE ASSOCIATION IN CO-OPERATION WITH THE INTERNATIONAL COMMITTEE FOR SOCIAL SCIENCES DOCUMENTATION. JEAN MEYNAUD (ED.) AND JEAN MEYRIAT (ASSOCIATE ED.). (Paris: UNESCO. 1955. Pp. 279. \$3.50.)

Whereas Volume I of this bibliography listed works published in 1952, Volume II lists "works published in 1953, including some publications of the previous year." The reasons for and basis of selection of books from the "previous year" is not explained. Volume II as compared with Volume I lists "a greater number of titles drawn from more varied sources." In view of the many omissions from the first volume, this broader coverage will be welcomed by those who use the bibliography. The bibliography is indeed comprehensive in plan and execution. Its use will be facilitated by the careful classification system and by author and subject indexes. In the case of books there are frequently one-sentence annotations and references to reviews.

*The Heresy of Democracy: A Study in the History of Government*. By LORD PERCY OF NEWCASTLE. (Chicago: Henry Regnery Co. 1955. Pp. 246. \$4.00.)

The growing literature critical of the totalitarian implications of democracy is reinforced by this American edition of Lord Percy's *Heresy of Democracy*. The author considers democracy to be a heresy since in its modern form it has departed from its traditional bases in a Christian social order and moved in the direction of a totalitarianism either of the right or of the left. The historic breaking point is the French Revolution, although earlier distortions of the Christian concept are to be found in phases of the medieval struggle between church and state. The author calls for a revival of the Christian belief in transcendent values and a recognition of the subordinate, although essential, role which the state plays in human society. Only by the recovery of belief can the world again become free, and Western civilization saved from a statism enmeshed in the consideration of means rather

than of ends. The West has the choice of either accepting the moral state in a dualistic society or following the welfare state down the road to tyranny.

*The Study of Political Theory.* By THOMAS P. JENKIN. (Garden City, N. Y.: Doubleday & Company 1955. Pp. x, 99. \$0.95.)

Students will welcome this latest addition to the Doubleday *Short Studies in Political Science*. Here in the compass of some 95 pages Professor Jenkin has presented a blueprint of the scope and method of political theory. The work covers the following: "Nature and Objects of Political Theory," "Concepts of Political Theory," "Systems of Political Doctrine," and "Contemporary Foci in Political Theory." The necessity of condensation has made the book one which will be "tough going" for the beginning student, but once he has mastered it he will be well equipped to analyze the nature of his subject in a scholarly and responsible manner.

*Marx and the Marxists: The Ambiguous Legacy.* By SIDNEY HOOK. (Princeton, N. J., New York, Toronto, and London: D. Van Nostrand Co., Inc., 1955. Pp. 254. \$1.25.)

A useful collection of readings covering selections from the writings of socialist leaders from Marx to Stalin. The inclusion of selections by Kautsky, Bernstein, Trotsky, and Luxemburg is commendable since these authors are frequently neglected with the result that students are often given a distorted picture of socialist development based on the writings of Marx, Lenin, and Stalin alone. Sidney Hook has contributed an excellent introductory essay which succinctly covers and evaluates the history of the Marxist movement.

*The Communist Manifesto with Selections from The Eighteenth Brumaire of Louis Bonaparte and Capital by Karl Marx.* By KARL MARX AND FRIEDRICH ENGELS. EDITED BY SAMUEL H. BERN. (New York: Appleton-Century-Crofts, Inc. 1955. Pp. xxix, 96. \$0.45.)

The Crofts Classics Series makes available in this edition the text of the *Communist Manifesto*, together with Engel's *Preface* to the English Edition of 1888 and selections from Marx's *Capital* and the *Eighteenth Brumaire of Louis Bonaparte*. A brief introductory essay by the editor deals with the major facets of Marx's economic and social analysis.

*Mutual Aid: A Factor of Evolution.* By PETER

KROPOTKIN. (Boston, Mass.: Extending Horizons Books. 1955. Pp. 362. \$3.00.)

This edition is the first in a series of volumes, both ~~prints~~ <sup>prints</sup> and new works, to be published by Extending Horizons. It includes a Foreword by Ashley Montagu and, as an appendix, Thomas H. Huxley's *The Struggle for Existence*, to which *Mutual Aid* was a reply.

*Politics and Science* BY WILLIAM ESSLINGER. FOREWORD BY ALBERT EINSTEIN. (New York: Philosophical Library. 1955. Pp. xi, 167. \$3.00.)

The author's contention is that political science as a discipline has failed to keep abreast of the technical advances of the physical sciences. The author therefore appeals for the application of the methods of pure science to the study of politics in order that political leaders may have a firm factual basis on which to construct their solutions to current problems. If such a science of politics can be developed, and the author thinks it can, the possibilities of dealing rationally with current international tensions leading to the achievement of a lasting peace will be greatly increased.

*Patterns of a New Philosophy.* By FREDERICK MATER AND FRANK E. BROWER. (Washington, D. C.: Public Affairs Press. 1955. Pp. vi, 112. \$2.25.)

This is a criticism of contemporary philosophy for being too concerned with the theory of knowledge and with metaphysics whereas, according to the authors, it should turn its attention to the establishment of a rationalistic basis for the orientation of man to the complexities of the twentieth century. There would be general agreement with the authors' criticisms and with their attack upon the "professionalization" of philosophy. However, when the work attempts to lay down a constructive program under the slogan of a "Creed for Our Times" the results are unsatisfying. This is due in part to the shortness of the work and also to a lack of hard thinking upon the authors' part. The book emerges as a series of loosely connected chapters which fail to inspire conviction in the reader.—H.M.M.

*Fredonia's Holy Light.* By MERRIMON CUNNINGHAM. (New York: Harper & Bros. 1955. Pp. xi, 112. \$2.75.)

Based on a series of lectures delivered by the author at various American universities, the

thesis is advanced that freedom in America is rooted in religious freedom. Hence all freedom is ultimately based on moral responsibility which tempers the exercise of rights by reminding us of our duties to society as a whole. To preserve our religious freedom we must seek a "middle way" between a rigid separation of church and state and their intermingling in such a way as to result in the domination of one by the other. We must likewise safeguard the right to freedom of worship and recognize the "supremacy of conscience."

*Essays in Political and Intellectual History.* By SAMUEL BERNSTEIN. (New York: Paine-Whitman Publishers. 1955. Pp. 224. \$4.00.)

A collection of previously published essays, here revised, and augmented by two new ones, all dealing either with aspects of French revolutionary movements or related phenomena such as British Jacobinism and the First International. Several of the essays deal with American reaction to events in France and the interrelation of French and American thought. The period covered is roughly from the French Revolution to the Paris Commune. The bibliographical notes are of value.

*Social Science: An Introduction to the Study of Society.* By ELGIN F. HUNT WITH CHAPTERS BY NORMAN HILL AND THOMAS S. FARR. (New York: The Macmillan Company. 1955. Pp. xv, 741. \$6.90.)

A textbook with sections on social, economic, and political organization and prob-

lems, and ending with one on international relations.

*Gateway to the Social Sciences.* By ARTHUR W. THOMPSON. (New York: Henry Holt Company. 1955. Pp. viii, 371. \$2.90.)

A book of readings for the introductory general education course in social sciences built around the concept of institutions, and seeking to illustrate their nature, evolution, interrelationships, and problems.

*The Political Writings of James Harrington: Representative Selections.* EDITED WITH AN INTRODUCTION BY CHARLES BLITZER. (New York: The Liberal Arts Press. 1955. Pp. xli, 165. \$2.25.)

This compilation contains the complete text of Harrington's *System of Politics*, extensive and well-chosen selections from his *Commonwealth of Oceana*, and the major portion of *The Rota*, together with a chronology, introductory essay and selected bibliography.

*The Levellers: A History of the Writings of Three Seventeenth-Century Social Democrats: John Lilburne, Richard Overton, William Walwyn.* By JOSEPH FRANK. (Cambridge, Mass.: Harvard University Press. 1955. Pp. 345. \$5.00.)

A thorough analysis of the writings of the principal Levellers together with chapters on "The Ancestry of the Levellers" and "The Contribution of the Leveller Party." An exhaustive array of sources was examined.

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## NEWS AND NOTES

### PROFESSIONAL CONFERENCES

#### 1956 ANNUAL MEETING OF THE ASSOCIATION

The 1956 Annual Meeting of The American Political Science Association will be held September 6-8, 1956 in Washington, D.C. The Chairman of the Program Committee is Professor Earl Latham, of Amherst College; the Chairman of the Committee on Local Arrangements is The Reverend James E. Horgan, S.J., of Georgetown University.

The twenty-seventh annual meeting of the Southern Political Science Association was held at the Atlanta Biltmore Hotel in Atlanta, Georgia, November 3-5, 1955. Approximately 104 persons were registered as attending the meeting. Panel discussions were devoted to the following topics: "The Second Hoover Commission," "The Conservative Renaissance," "The Role of the Political Scientist in the Classroom," "Emerging Political Entities in Non-European Areas and Their Impact on World Politics," "The Contemporary Currents in Electoral Reform," "Atomic Energy: Public Policy and Political Science," "Trends in Federal-State Relations," "The Development of American Foreign Policy," "Government in Metropolitan Areas." The presidential address was delivered by Manning J. Dauer, and Evron Kirkpatrick addressed the meeting as the representative of the American Political Science Association. John J. Bebout, Assistant Director of the National Municipal League, addressed a luncheon meeting on "Agenda for American Federalism." The following officers were elected for the ensuing year: Carl B. Swisher, Johns Hopkins University, president; Alexander Heard, University of North Carolina, vice-president; Arthur B. Dugan, University of the South, recording secretary; Wallace Mendelsohn, University of Tennessee, Vincent Thursby, Florida State University, and Amry Vandenbosch, University of Kentucky, members of the executive council. Lee S. Greene, of the University of Tennessee, was elected editor of the *Journal of Politics* for a three-year term.

The second annual conference of the District of Columbia Political Science Association

(DCPSA) was held on December 3, 1955, in the Hall of Government of George Washington University. The theme of the conference was "Policy Problems—1956." The general session was addressed by Francis O. Wilcox, Assistant Secretary of State and a past president of DCPSA; he spoke on "The Future of the United Nations." Six round tables dealt with the following topics: "The Kestnbaum Commission Report"; "Conflict of Interest—Is a Fresh Approach Needed?"; "Planning Ahead for National Party Conventions"; "The Hoover Commission Report"; "Agricultural Policy Problems—1956"; "Judicial Policy Problems—1956." Among the round table participants were Earl Butz, Assistant Secretary of Agriculture; Adrian S. Fisher, former legal adviser of AEC and of the State Department; Warren J. Madden, Judge, United States Court of Claims; Edwin G. Nourse, former Chairman of the Council of Economic Advisers; Robert Ramspeck, former Chairman of the U. S. Civil Service Commission; Tracy S. Voorhees, former Under Secretary of the Army; and Roger H. Wells, Chairman, Political Science Department of Bryn Mawr College.

Officers elected for the following year are: president, William H. Roberts, Catholic University of America; first vice-president, G. Lyle Belsley, Federal Civil Defense Administration; second vice-president, Howard E. Penniman, United States Information Agency. Additional executive committee members are: Don L. Bowen, University of Maryland; Harold A. Kieffer, Executive Office of the President; S. McKee Rosen, International Cooperation Administration. Secretary-Treasurer: William B. Welsh, Legislative Assistant to Senator Herbert H. Lehman.

On January 31, 1956, DCPSA held its first meeting of the current year in the Lounge of the Brookings Institution. The topic of the evening was "Legislative Programming"; the panel consisted of Lloyd W. Jones, Staff Director, Republican Policy Committee—United States Senate; William Pincus, Associate General Counsel, House Committee on Government Operations; George E. Reedy, Staff Adviser, Democratic Policy Committee—United States Senate.

The Midwest Conference of Political Scientists will hold its annual meeting on the campus of Marquette University, May 3-5, 1956. Inquiries concerning the schedule, program, housing, or other arrangements may be addressed to the office of the secretary-treasurer at Drake University, Des Moines, Iowa.

On December 29, 1955 in Atlanta the American Association for the Advancement of Science in co-sponsorship with the Southern Political Science Association devoted a program to "Political Trends in the South." Lynwood M. Holland, Emory University, presided. Lee S. Greene, University of Tennessee, discussed "The Decision-Making Structure in Southern Politics" and Jasper B. Shannon, of the University of Kentucky, dealt with "Southern Sectionalism and National Politics."

A two-day Conference on Political Theory was held at the University of Minnesota under the auspices of the department of political science and the Center for International Relations and Area Studies. The topic of the Conference was "The Role of Theory in the Study of Politics." Benjamin E. Lippincott acted as chairman. The speakers and their topics were as follows: William Anderson: "Scope and Methods of Political Science"; G. E. C. Catlin: "What Is Political Theory and Its Practical Significance?"; David Cooperman: "Meaning in Political Theory"; B. E. Lippincott: "Future Prospects for Political Theory";

Ralph G. Ross: "Fact, Law and Theory in Political Science"; and Mulford Sibley: "The Classics in the Study of Politics."

The Midwest Institute of International Affairs of Grinnell College and the Iowa Association for the United Nations conducted a conference on Latin American-United States problems November 10-12, 1955. Included among the speakers were: Victor Andrade, Ambassador of Bolivia; John C. Drier, United States Ambassador to the O.A.S.; Joseph Dunner, chairman of the department of political science, Grinnell College; Fernando Fournier, Ambassador of Costa Rica; Bourke Hickenlooper, United States Senate; Eberaldo Machado, Cultural Attaché of Brazil; and Rafael Aveleyra, Minister Plenipotentiary of Mexico. The Midwest Institute plans a similar conference on the specialized agencies of the United Nations April 26-28, 1956 on the campus of Grinnell College.

The Tenth Congress of the International Institute of Administrative Sciences will be held in Madrid, Spain from September 3-8, 1956. The three major subjects on the agenda of the Congress are as follows: "Contracts of Public Authorities for the Carrying-Out of Works"; "Present Tendencies in the Post-Entry Training of Higher Grade Civil Servants"; "A Study of Procedures for the Preparation and Implementation of Administrative Reforms." Further information can be obtained from Mr. Herbert Emmerich, chairman, United States Section, International Institute of Administrative Sciences, 1313 East 60th Street, Chicago 37, Illinois.

The American Association for Public Opinion Research will hold its annual conference on May 24 to 27, 1956 at Buck Hill Falls, Pennsylvania. The conference will include sessions on "Studies in Popular Culture," "Communications Theory and Opinion Research," "Determinants of Political Behavior," "Research in Medicine and Public Health," "Research on Academic Freedom and other Civil Liberties," and "American and Soviet Propaganda."

## OTHER ACTIVITIES

The Southern California Political Science Association sent special greetings to William Bennett Munro, senior surviving president of the American Political Science Association, on the occasion of his 81st birthday. Professor

Munro, now residing at Pasadena, California, joined the national association in its first year.

The Social Science Research Council is sponsoring a seven-week summer research

training institute in current international affairs for scholars of postdoctoral or equivalent standing. Directed by John Gange, director of the Woodrow Wilson Department of Foreign Affairs of the University of Virginia, the institute will be held at the University of Denver for the period June 11-July 27, 1956. Staff members will be drawn from the Center of International Studies, Princeton University; Center for International Studies, Massachusetts Institute of Technology; Institute of War and Peace Studies, Columbia University; and the Rand Corporation.

Duke University's department of political science will sponsor the Third Annual Program in Japanese Civilization during the 1956 summer session. The program is financed by grants from the Japan Society and the Asia Foundation. Ten scholarships of \$200 each will be awarded to teachers, professors, or journalists who have had no previous training in Asian affairs. Applications should be sent to the Summer Session, Duke University.

The Survey Research Center of the University of Michigan will hold its Annual Summer Institute in Survey Research Techniques for the ninth consecutive year. The regular session of the Institute will be held from July 23 to August 18, with an introductory session from June 25 to July 20, 1956. The Institute is designed to meet some of the educational and training needs of men and women engaged in business and governmental research or other statistical work, and graduate students and university instructors interested in quantitative research in the social sciences. Further information may be obtained by writing to the Survey Research Center, University of Michigan, Ann Arbor, Michigan.

San Diego State College has been authorized to grant the degree of Master of Science in Public Administration. The master's program will require the completion of 36 units, including a period of internship in a selected governmental agency in Southern California.

The National Council on Asian Affairs was organized last summer by a group of Philadelphia citizens interested in education about Asia. The first two programs of the Council are (1) the placement as teachers in elementary and secondary schools of Asian students now completing their work in this country who will be used to teach in their own fields of specialization and to be available for general school

and community work concerning Asia, and (2) the encouragement of preparation of printed materials about Asia suitable for inclusion in existing school curricula. The officers of the Council are Norman D. Palmer, professor of political science, University of Pennsylvania, president; John F. Melby, executive-vice-president; and Elmer K. Wolf, secretary-treasurer.

The National Municipal League has announced that applications will be accepted for its fifth annual staff fellowship to be awarded to an established political scientist in the field of state and local government. The recipient will spend approximately one year in the League's office participating in all aspects of League activities. Applications for the 1956-57 fellowship must be received by March 1, 1956. Detailed information may be obtained from Alfred Willoughby, 47 East 68th Street, New York 21, N. Y.

Harvard University will begin a limited program for the advancement of Armenian studies and research at its Center for Middle Eastern Studies in the Fall of 1956.

The Institute of Government Committee on Publications, University of Utah, has assumed responsibility for editing and publishing the *Western Political Quarterly* following the resignation of Francis B. Schick as editor. The committee consists of Roy V. Peel, director of the Institute, Francis D. Wormuth, and Ellsworth E. Weaver.

On October 28, 1955 the department of government and politics and the Bureau of Governmental Research at the University of Maryland presented the first in a biannual seminar series of "Lectures on Public Affairs," concerned with problems of long-range significance. Delivering the inaugural paper was Dr. George B. Galloway, Senior Specialist in American Government at the Library of Congress. Dr. Galloway's paper was entitled "Congressional Reform Revisited." It is being published by the Bureau of Governmental Research.

A conference of the Central Region (Michigan, Ohio, Indiana, Illinois, Kentucky) of Pi Gamma Mu will be held April 14-15, 1956, at the Terre Haute State Teachers College. The theme will be "The Future of the Social Scientist." Robert V. Seltzer, department of

political science, Terre Haute State Teachers College, and vice-chancellor of the Central Region, is in charge of the conference. Other political scientists in attendance will be W. Leon Godshall, Lehigh University, national president of Pi Gamma Mu, and Nacy W. McGee, North Central College, chancellor of the Central Region.

The Massachusetts Institute of Technology has recently established a Political Science Section to plan and coordinate teaching and research in this field at the Institute. Norman J. Padelford has been named chairman of the Section. Other senior members of the faculty joining in forming the Section include: Max Millikan, Karl Deutsch, and Ithiel Pool. The Section is organizing both an undergraduate and a graduate program of studies.

The Maurice and Laura Falk Foundation has granted an additional \$45,000 to continue the Falk Fellowship Program at Yale University to the end of the academic year 1959-60.

The department of government at Indiana University has received a grant of \$1,500 from the Woodrow Wilson Foundation for the purpose of organizing a centennial celebration honoring Wilson's birth. Outstanding Wilson scholars have been invited to the campus for the series of lectures and discussions during the Fall semester of 1956. The lectures will be published by the Indiana University Press.

The program of technical assistance in public administration by the Graduate School of Public Administration and Social Service of New York University with the University of Ankara and the Turkish government has completed the first half of its scheduled three-year contract under the International Cooperation Administration. Gisbert Flanz is head of the NYU group in Ankara, which includes Ernest Kurnow, Kenneth Redden, John Huston, Albert Gorvine, Russell Davy, Arthur Rucker, Anthony Lanza, and Edward Tutak. As part of the program, nine members of the University of Ankara faculties of law and political science are spending the academic year at New York University in study, observation, and research. The project is under the general direction of Dean William J. Ronan for New York University and Dean Bedri Gürsoy of the Faculty of Political Science and Dean Hikmet Belbez of the Faculty of Law of the University of Ankara.

Work is now progressing on the handbook of American election statistics which the Governmental Affairs Institute plans to bring out this spring. Financed by a grant from the Stern Family Fund, individual state sections of the handbook will present county-by-county vote totals and percentages for recent elections for president, governor, and senator. Ward-by-ward data will appear for the largest cities and a special tabulation of figures for each congressional district will be included. In addition to the material for the 48 states, the handbook will include figures for Alaska and Hawaii, summary tables, and ward and county outline maps. The project is under the supervision of Richard M. Scammon, Director of Elections Research for the Institute. Next year it is planned to bring out an international handbook of election figures as a companion volume to the American study.

Charles R. Adrian, assistant professor of political science at Michigan State University, was granted a leave of absence from January 1 to September 1, 1956, to serve as administrative assistant to the Governor of Michigan.

Charles S. Ascher, chairman of the political science department of Brooklyn College, has been appointed an associate director of the Institute of Public Administration to direct the extension of its international activities. Mr. Ascher has served for the past four years as associate director of the Public Administration Clearing House.

Thomas S. Barclay, Stanford University, was re-elected to the Senate of Phi Beta Kappa.

George S. Blair, educational associate of the Institute of Local and State Government and assistant professor, University of Pennsylvania, is serving as an instructor for a 28-week course in State Government and Public Administration for deputy department heads and bureau chiefs of the Commonwealth of Pennsylvania. The course was devised by James C. Charlesworth, Secretary of Administration of the Commonwealth, and the five sectional meetings conducted each week are attended by about 100 state officials.

John C. Bollens, University of California (Los Angeles), is spending the spring semester on leave in Chicago as research director of the Metropolitan Area Project of the Council of



State Governments, a project undertaken at the request of the Governors' Conference.

Howard Boorman, on leave from the State Department, will be executive director of Columbia University's project of Studies of Men and Politics in Modern China.

Ralph Braibanti, associate professor of political science at Duke University, lectured at the Army War College February 5-10, 1956, on Japan's role in Asia and served as consultant to the Study Group on Free East Asia.

Phillip W. Buck, Stanford University, is spending the academic year 1955-56 in England doing research on a Ford Foundation grant.

Arday W. Burks, Rutgers University, spent last summer as a research associate in the Center for Japanese Studies, University of Michigan.

Werner J. Cahnman, Executive Director of the Conference on Jewish Social Studies, spent the summer months in London, Vienna, and Jerusalem, on a research grant from the Conference on Material Claims against Germany. He lectured on European Nationalities and American Minorities at the Hochschule für Politische Wissenschaften in Munich, Germany, and at the School of Law and Economics in Haifa, Israel.

Robert W. Carnes, of the Wis. Department of Public Welfare, has joined the staff of the Bureau of Government of the University Extension Division of the University of Wisconsin to conduct an experimental course for police officers in handling juvenile offenders.

Brook Chisolm, formerly Director General of the World Health Organization, delivered the Patten Lectures at Indiana University during the Fall semester, 1955. His lecture series was entitled, "Can the Nations Learn to Learn?"

Cullen B. Gosnell, Emory University, is a member of the Essay Committee of Pi Sigma Alpha which will select the best essay submitted in 1955-56.

Heinz Guradze is giving courses in International Organization and American and English Government at the University of Cologne.

Jerry Kieffer, Special Assistant to the director of Defense Mobilization, is now also serving as Assistant to Meyer Kestnbaum, Special Assistant to President Eisenhower. The Kestnbaum office is coordinating executive branch review of the reports of the Commission on Organization of the Executive Branch and the Commission on Intergovernmental Relations.

Werner Levi, of the University of Minnesota, has returned from Australia, Malaya, Siam, and India where he did research on international relations and gave lectures at various universities.

Gerard J. Mangone, Swarthmore College, directed a research program of the Graduate Program of the Woodrow Wilson School of Public and International Affairs, Princeton University, first term 1955-56. The project was a study of the relationship of domestic interest groups to the United Nations and was specifically designed to fit into the larger study of attitudes toward the United Nations, presently being conducted by the Carnegie Endowment for International Peace.

Eubank Marshall is serving as Assistant director of the Stanford University Study of Undergraduate Education.

Thomas Patrick Melady, of the International Cooperation Administration, is serving with the United States advisory group to the Imperial Ethiopian government on questions of foreign trade and investments. He is also giving a series of lectures at the University College of Addis Ababa on "Fundamentals of Economic Development."

Eane J. Morgenthau, of the University of Chicago, spent the Fall quarter in Japan, Hong Kong, Vietnam, Cambodia, Thailand, and Pakistan. He lectured in Tokyo at the University of Tokyo, Waseda University, and at the Training Institute of the Japanese Foreign Office.

Norman D. Palmer, professor of political science at the University of Pennsylvania, has been appointed a member of the Committee on Institutional Projects Abroad of the American Council of Education. He participated in a conference on University Contracts Abroad held at Michigan State University on November 7-18, 1955 under the Committee's auspices.

Robert S. Rankin, chairman of the department of political science at Duke University, will be on sabbatical leave during the Spring semester, 1956.

Georg Romoser, Ph.D. candidate in the department of political science, University of Chicago, is spending the autumn and winter in Germany for dissertation research and as an assistant in the Seminar für Wissenschaftliche Politik, Freiburg University.

William J. Ronan, Dean of the Graduate School of Public Administration and Social Service of New York University, has been elected President of the Municipal Personnel Society of the City of New York. This is the first time that a person not employed by the City has been elected to the head of this organization, which is composed of personnel officers of the various City departments, City employees interested or active in personnel management, and members of faculties engaged in the teaching of municipal affairs or public administration.

Joseph S. Roucek, chairman of the department of sociology and political science at the University of Bridgeport, joined the editorial boards of the *Journal of Human Relations*, and *The Encyclopedia Picturama* (Harper Brothers Encyclopedia). He will spend the Spring on sabbatical leave in Europe, studying the comparative aspects of education in Yugoslavia. He has been invited to give lectures at several universities in Yugoslavia, Austria, Germany, and Holland.

Walter R. Sharp returned in September from a year's assignment with the United Nations Technical Assistance Administration as co-director of the Egyptian Institute of Public Administration in Cairo, and has resumed his duties as director of graduate studies in international relations at Yale University. He was recently appointed a representative of the International Political Science Association to the United Nations.

Richard C. Spencer, on sabbatical leave from Coe College during the second semester of 1955-56, is visiting the parliaments and parliamentary offices of several Northern and Western European governments.

Murray S. Stedman, Jr., department of political science, Swarthmore College, lectured

during the month of January before the Seminar on American Studies at Salzburg.

H. Arthur Steiner, of the University of California at Los Angeles, will be on sabbatical leave in Asia during the Spring semester, 1956. He will be in Ceylon, Pakistan, and Burma from February to April, 1956, under the auspices of the Specialists Division of the International Educational Exchange Program of the Department of State. He will resume his teaching duties at Los Angeles in September, 1956.

John O. Stitely, associate professor of history and political science at the University of Rhode Island, will be on sabbatical leave during the second semester for research and writing on state government.

K. T. W. Swanson, assistant professor of public administration at the State College of Washington, was consultant to the Spokane County Planning Commission during the past summer.

John E. Stoner, of the University of Indiana, is chairman of the Indiana Highway for Survival Committee, a group of lay citizens interested in better highways in the State of Indiana.

Paul Studenski, of New York University, is serving as Resident Director of the Albany Graduate Program in Public Administration. The program, now in its ninth year, is co-operatively offered by the Graduate School of Public Administration and Social Service of New York University and the Maxwell Graduate School of Citizenship and Public Affairs of Syracuse University, with the co-operation of the State University of New York.

Carl Brent Swisher, Johns Hopkins University, gave the John Marshall Bicentennial Lecture at Fordham University. His address was entitled "Liberty and Authority under the Constitution."

John Vanderzell, Franklin and Marshall College, is absent on leave for the year 1955-56 to serve as Director of Research in the Bureau of Municipal Affairs of the Commonwealth of Pennsylvania. He will return for the 1956-57 term.

Robert A. Walker has returned to his teaching duties at Stanford University after spending the greater part of the previous academic year as visiting professor at the College of Europe in Bruges, Belgium.

James T. Watkins IV, Stanford University, was Director of the 32nd Institute of World Affairs at Riverside, California, in December, 1955. He is also serving as Chairman of the

12th Regional Committee for the Woodrow Wilson Fellowship Program.

Edward W. Weidner returned in January from seven months in Saigon to resume his duties in the political science department of Michigan State University. He served as Chief Adviser of the Michigan State University Mission to the Vietnamese government.

## APPOINTMENTS AND STAFF CHANGES

Rene N. Ballard has been promoted to associate professor in political science at Knox College.

Edward C. Banfield has been appointed associate professor of political science at the University of Chicago. Mr. Banfield was formerly with the Committee on Planning at the University of Chicago.

Francis P. Brassor has been appointed to the faculty of the department of government and public administration at the American University as a professorial lecturer. He will teach in the field of government reorganization.

Dr. Adam C. Brackenridge, former chairman of the Department of political science and administrative assistant to the chancellor, was elevated to the position of dean of faculties at the University of Nebraska.

Gordon K. Bryan, professor of government at Mississippi State College, was visiting professor of political science at Vanderbilt University during the summer of 1955.

Ardath W. Burke, Rutgers University, has been appointed visiting assistant professor of government at Columbia University for the Spring session, to give a course in the East Asian Institute.

Robert O. Byrd, who received his Ph.D. from the University of Chicago, September, 1955, has been named chairman of the department of political science and assistant professor of the history and science of government at Illinois Wesleyan University.

Professor Robert K. Carr has been appointed director of the Great Issues Course at Dartmouth College for the year commencing in February, 1956.

Professor Francis Coker, Yale University, will serve as visiting professor of political science at Duke University during the Spring semester, 1956.

Professor Robert Connery, Duke University, has been appointed associate director of the Metropolitan Area Study which is being financed by a grant from the Edgar B. Stern Family Fund.

Robert A. Dahl has been promoted to the Eugene Meyer professorship of political science at Yale University.

Harbert S. Dinerstein has been appointed to the faculty of the department of government and public administration of the American University as a lecturer on the Soviet system.

John C. Donovan, associate professor of government, Bates College, has been appointed chairman of the Maine Board of Arbitration and Conciliation by Governor Edmund S. Muskie.

David Easton has been promoted to professor of political science at the University of Chicago.

Mr. Albert C. Ettinger has been appointed instructor of political science at the University of Vermont.

John Gillespie has been appointed director of the Bureau of Government Research, University of Massachusetts. He was formerly training officer, Institute of Public Affairs, The University of Texas.

Kurt Glaser, formerly associated with the Governmental Affairs Institute and Records Engineering, Inc., will join the staff of the department of government and politics at the University of Maryland in the Spring semester.

Robert E. Goostree has been promoted to the rank of associate professor in government and public administration at the American University.

John Hallowell is on a sabbatical leave from Duke University this year. He is teaching at the University of Munich in Germany on a Fulbright appointment and is making a study of the political philosophy of the German Christian Democratic Union on a Guggenheim Fellowship.

Royce Hanson has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in American Government.

John G. Harkins was appointed a part-time instructor in political science at the University of Pennsylvania in September. Mr. Harkins is currently pursuing studies toward the law degree in the Law School of the University of Pennsylvania.

Robert Hattery joined the staff of the Bureau of Government at the University of Wisconsin, Extension Division in December, 1955. Mr. Hattery will be in charge of the Bureau's program of Citizen Education in World Affairs. A graduate of the University of Chicago, Mr. Hattery served on the staff of the Center for the Study of American Foreign Policy. He has also served as a discussion leader for the American Foundation for Political Education.

Richard H. Heindel, dean of the College of Arts and Sciences of the University of Buffalo, has been appointed Chairman of the University's Committee on University Planning and Development during the leave-of-absence of the Chancellor.

Morton A. Kaplan, Fellow at the Center for Advanced Study in the Behavioral Sciences, has accepted an appointment as assistant professor of political science at the University of Chicago, effective October, 1956.

Thomas Karis has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in political theory.

James B. Kessler, assistant in the department of political science at Stanford University, has joined the faculty of the department

of government at Indiana University for the second semester, 1955-56.

Alan G. Kirk was appointed a part-time instructor in political science at the University of Pennsylvania in September. Mr. Kirk is currently pursuing studies toward the law degree in the Law School of the University of Pennsylvania.

Henry A. Kissinger has been appointed a Research Associate of the Foreign Policy Research Institute of the University of Pennsylvania.

David W. Knepper, of the University of Houston, recently served on a special Citizen's City Charter Committee which proposed a successful revision of the city's charter. He has just been appointed to the statutory Harris County Home Rule Commission, which will sponsor a long-range study of the governmental structure of metropolitan Houston.

Samuel Krislov, formerly of the University of Vermont, has been appointed assistant professor at Hunter College.

Arthur P. Kruse has been advanced to the rank of associate professor, Far Eastern International Relations, Institutions, and History, at the Air University, Maxwell Field, Ala.

James L. Kunen has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in administrative law.

William F. Larsen, formerly of the faculty of the University of Florida, has been appointed associate professor of public administration at the New York University Graduate School of Public Administration and Social Service. He will also serve as project director for a graduate student field research team, working in close cooperation with the Mayor's Committee on a Quiet City.

Richard G. Lindblad, formerly of the University of Minnesota, has joined the department of political science at Illinois Wesleyan University.

Joseph D. Lubin, Ph.D. candidate in political science at the University of California and instructor of public administration for the University of California Extension, has been appointed Budget Director of Benicia Arsenal.

C. C. Ludwig, director of the Municipal Reference Bureau at the University of Minnesota and executive secretary of the League of Minnesota Municipalities, is serving during the winter quarter as a consultant in local government on the staff of the Institute of Public Administration of the University of the Philippines.

Arthur W. Macmahon has been named executive director of Columbia University's new Committee on the Educational Future of the University.

David R. Matthis, formerly of Centenary College, has become assistant professor of government at West Texas State College.

Edward N. Megay has accepted an appointment as assistant professor of political science at the College of St. Thomas.

Irene M. Meister has been appointed Research Fellow of the Foreign Policy Research Institute of the University of Pennsylvania.

John F. Melby has become a lecturer on political science at the University of Pennsylvania. His availability in the Philadelphia area is a result of his assignment as executive vice-president of the National Council on Asian Affairs.

Eugene H. Miller, Ursinus College, will teach two courses in international law at Lehigh University during the spring semester, 1956.

Robert L. Morlan, University of Redlands, was recently elected president of the Citrus Belt division of the California League of Cities. At present he is also president of the Southern California Political Science Association.

Herbert J. Muller, Purdue University, has accepted a joint appointment in the departments of Government and English at Indiana University beginning September, 1956.

Sigmund Neumann, professor of government at Wesleyan, served as visiting professor at the Free University and the Deutsche Hochschule für Politik, Berlin during the summer term, 1955. For his sabbatical leave during 1955-56 he has joined the Institute for Advanced Study, Princeton.

Gerard Niemeyer has been appointed professor of political science at the University of Notre Dame. During the summer of 1955, he was visiting professor on the Graduate Faculty of the New School for Social Research. He has also been appointed consultant to the Foreign Policy Research Institute at the University of Pennsylvania.

S. J. Pomrense has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in records and archives administration.

Vladimir Reisky-Dubnic has been appointed instructor in political science at Washington College, Chestertown, Maryland, for the second semester of this academic year.

John S. Reshetar, Jr. has been appointed a Research Fellow of the Foreign Policy Research Institute of the University of Pennsylvania.

Berrett M. Rich served during the summer of 1955 as a consultant to the Institute of Public Administration, University of the Philippines. He returned to his duties with the Bureau of Government Research and the department of political science, Rutgers University, in September, 1955.

Edward E. Robinson has been promoted to the rank of associate professor in government and public administration at the American University.

Richard F. Schier was appointed chairman of the department of government at Franklin and Marshall College for the year 1955-56.

Daw Mya Sein, University of Rangoon, Burma has been designated as the first lecturer from that country to the United States on the UN Lectureship sponsored by the Asia Foundation. She will be in residence under the auspices of the department of government and the Burma Research Project of New York University for six weeks beginning in April, 1956.

Constance E. Smith, assistant professor of government at Wheaton College, will be the acting academic dean during the spring semester of 1956.

Daniel E. Smith was appointed instructor

in political science at the University of Pennsylvania in September, 1955.

Donald P. Sparks has been appointed to the faculty of the department of government and public administration at the American University as lecturer in governments of the Middle East.

Marie C. Stark has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in record and archives administration.

E. W. Steele has returned to the University of Vermont as instructor in political science after two years of graduate work at Princeton University.

Kurt Steiner is acting assistant professor of political science at Stanford University for the academic year, 1955-56. He replaces Philip W. Buok, who is in England on sabbatical leave.

John G. Stoessinger, formerly an instructor at Wellesley College, has joined the department of government and law at Babson Institute of Business Administration.

Octavio J. Tocchio has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in American Government.

Vernon Van Dyke, of the State University of Iowa, has been appointed Research Professor for the second semester, 1955-56 and will devote himself exclusively to research and writing.

Karl Von Vorys, who recently received his Ph.D. from Georgetown University, has been appointed assistant professor of government at the University of South Dakota.

E. V. Walter has been promoted to the rank of associate professor of political science at Ohio Wesleyan University and has been reappointed chairman of the department of political science for a two-year period ending June, 1958.

Harold W. Ward, formerly of Cornell College, has recently accepted an appointment as associate professor of government at Southern Illinois University.

Norman Wengert has resigned as chairman of the social science department at North Dakota Agricultural College. He joined the staff of Resources for the Future, Inc., on January 1, 1956 to work on a natural resources policy history project and will resume academic duties as professor of public administration at the University of Maryland in September, 1956.

K. C. Wheare, of Oxford University, will serve as visiting professor of political science at Duke University during the spring semester of 1956.

J. Roffe Wike has been appointed an instructor in political science at the University of Pennsylvania. He is also serving as a member of the Editorial Advisory Board of *Current History* magazine.

Daniel Wit, visiting professor of political science at the University of Michigan, has been appointed director of a Michigan Memorial-Phoenix Fund Research project dealing with the international implications of atomic power for American foreign policy.

W. Ross Yates is now assistant professor of political science at Lehigh University.

Raphael Zariski has become a member of the department of political science at Bennington College.

## POLITICAL SCIENCE AWARDS PROGRAM

The American Political Science Association has announced a program of "Political Science Awards" to young reporters and their newspapers for outstanding stories on local and state government and politics. This program is made possible by a grant of \$37,500 from The Ford Foundation.

Initially, competition for the awards will be limited to daily newspapers in 12 Midwestern states (North and South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan and Ohio). After a three-year trial period, it may be extended to newspapers in other areas.

The "Political Science Awards" program is an outgrowth of a study financed by the Poynter Fund, which was established by Mr. and Mrs. Nelson Poynter of the *St. Petersburg (Fla.) Times and Congressional Quarterly*. The Poynter Fund made a grant to The American Political Science Association to recommend ways to improve the selection and training of young journalists at the state and local level. The study was carried on with the assistance of a working group, including Ernest K. Lindley, Director of the Washington Bureau of *Newsweek Magazine*; Roscoe Drummond, Chief of the Washington Bureau of the *New York Herald-Tribune*; Edward Lindsay, Publisher of *Lindsay-Schaub Newspapers* in Decatur, Illinois; and several other prominent journalists and political scientists.

The purpose of the "Political Science Awards" program, is to encourage and help to hold promising political reporters at the state and local level and to establish a closer bond between political scientists and local newspapers. Winners will be chosen on the basis of a competition for the best articles or series of articles on any phase of state or local government or politics. For the first year's awards, articles to be judged must have been printed between January 1, 1955, and June 1, 1956. The criteria will be: (1) ability to clarify a complex issue; (2) persistence and imaginativeness of research; (3) originality of presentation; and (4) writing skill.

Articles will be judged by a committee consisting of the following journalists and political scientists: Charles S. Hyneman, Departmen-

of Political Science, Northwestern University, Chairman; Arthur Naftalin, Commissioner of Administration, State of Minnesota; Ralph Nahriger, Director, School of Journalism, University of Wisconsin; James E. Pollard, Director School of Journalism, The Ohio State University; Wallace Carroll, Washington Bureau, *The New York Times*; Lyle Wilson, Chief of Washington Bureau, United Press; Barnett Neer, Chief of Washington Bureau, *Denver Post*; Alfred Friendly, Managing Editor, *Washington Post and Times-Herald*; Nelson Poynter, Editor and Publisher, *St Petersburg (Fla.) Times and Congressional Quarterly*.

Candidates will be limited to men and women between the ages of 25 and 35 who are employed full time on the staffs of daily newspapers. Articles for consideration may be submitted to The American Political Science Association, 1726 Massachusetts Avenue, N.W., Washington 6, D. C., postmarked no later than July 1, 1956.

Award-winning reporters will attend a two-weeks "Conference on Public Affairs Reporting" with all expenses paid at Allerton Park, University of Illinois from December 1 to 15, 1955.

The conference will be directed by Dr. Ralph D. Casey, Director of the University of Minnesota School of Journalism, who is also trained in political science. Discussions on all phases of state house, city hall, and local and state political reporting will be led by some of the nation's leading journalists and political scientists.

Special plaques will be presented both to the winning reporter and to the newspaper for which he works.

The Association's Congressional Fellowship Program was recently paid a very high tribute on the Senate floor by Senators Barkley, Goldwater, Humphrey, Ives, Lehman, and Sparkman. The nature of the program was described, the work of the Fellows was highly praised, and the entire program was heartily endorsed by all the senators who spoke. The discussion appeared in the *Congressional Record*, January 12, 1956.

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# The American Political Science Review



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## THE COMMUNIST PRESENCE IN FRANCE

E. DREXEL GODFREY, JR.

*Williams College*

Apparent revival of Communist power in the recent French elections raises once again the thorny problem of appraising the strength of this huge and partially submerged political force.<sup>1</sup> Some Western observers, forgetting that the drop in popular support for the party in 1951 was largely a consequence of the bizarre workings of the election law, were distressed by the gains scored in January of this year.<sup>2</sup> In fact, the Communists were competing on an equal footing with the other parties (in contrast with 1951) and could rely on supporters who, in that year, had deserted on election day. Divisions among French center parties in 1956 meant that a vote for the PCF was no longer regarded as just a "throw-away protest." From the standpoint of political statistics, it is important to recognize that under optimum conditions the party was able to do no more than make up for the setback suffered in 1951. Indeed the Communist vote declined slightly as a percentage of total popular vote, stabilizing at about 4,500,000 in a year when some 2,250,000 more voters went to the polls.<sup>3</sup> The true picture, then, is one of impressive, but not steadily advancing, strength.

This paper proposes to leave further scrutiny of election returns to

<sup>1</sup> One commentator with the courage to make his observations before the 1956 elections produced a sober and instructive article on this general topic, offering somewhat different conclusions than the present writer's. See Charles A. Micaud, "The Bases of Communist Strength in France," *Western Political Quarterly*, Vol. 8, pp. 354-63 (Sept., 1955).

<sup>2</sup> In the 1951 election, the center parties profited by the bonus accorded to common lists, or *apparentements*, by which any alliance of parties, or any single party winning more than 50 per cent of the votes in a district, thereby won all the parliamentary seats in that district. In many constituencies where the Communists were by far the strongest single party, they were completely shut out by alliances of several smaller center parties. In 1956, with the center parties badly divided and rarely able to form wide alliances, the seats of most districts were distributed according to the proportion of popular votes cast for each party. The best discussion of the complicated electoral law is contained in Dorothy Pickles, *French Politics* (London, 1953), appendix 1, pp. 288-92.

<sup>3</sup> The percentages of the total popular vote won by the Communist party have been—1946: 28.6; 1951: 25.9; 1956: 25.6.

others more competent in that field of political analysis. The popular following which the party boasts is an important index of its power and vigor, but emphasis here will be largely on the party as an effective instrument of political persuasion and manipulation. It is proposed first to evaluate the PCF as a structural entity with a complex of specific functions in French society. Secondly, some suggestions as to the changing shape of that society will be advanced. Finally, tentative hypotheses will be offered on the future of France in terms of the relationship between the party's political posture and the social imperatives of the nation.

# I

To assess current capacity of the PCF to represent the "revolutionary element" of France, we must first examine its behavior as the largest French party. One thing is clear: the party has not spared its corps of officialdom in filling arduous posts of leadership. Communist presence on every possible commission, committee, and public and semi-public body has given the party its reputation as a public servant—irrespective of ultimate goals. There is, even in the most cynically anti-Communist quarters, a begrudging respect for this integrity of tirelessness. By a curious paradox, however, it is exactly this furious activity which is in part responsible for a perceptible waning of Communist prestige. As party representation is perpetuated, bureaucratization is invited at every level of the hierarchy. The Communist presence is considered by the party a useful short-run goal of end for itself. Militants who specialize in making themselves indispensable members of a local parent-teachers council, for example, are expected to be tenacious about their positions. Tenacity often leads to a routinized performance of unnecessary functions.

There are three spheres where Communists are represented: those organizations launched and maintained almost exclusively by the party and its fellow travellers; organizations in which the party shares responsibility with representatives of different political opinions; and bodies where the party retains a toe-hold, but where its emissaries sit scorned, isolated, and outvoted on every issue. In all of these there are opportunities for tens of thousands of the energetic faithful to prove their indispensability to PCF superiors to devise new functions, to propose the creation of new committees of coordination or liaison, and above all to preserve their own special uniqueness as party functionaries.<sup>4</sup>

<sup>4</sup> One indication of the scope of Communist presence is the fact that, by recent count, there were at least 26 semi-public bodies dealing with educational affairs at the national level in which party members play a major role. The number of regional and local units is not known.

Within the official structure of the party itself, there has been a similar tendency toward bureaucratization. At the national level the turnover of leadership positions has been low. Except for a handful of celebrated cases that have had, more often than not, a purely political symbolism—as in the exclusion and subsequent defamation of André Marty—Communist officials have come to be accepted as permanent fixtures. The French public is becoming used to the same dreary parade of familiar faces in the newspapers, the Assembly, and on public platforms commemorating the days of the Liberation.

The classic dilemma of an opposition party languishing in its own torpor has been described by Schumpeter in his essay on the pre-1914 German Social Democrats.<sup>5</sup> Not dissimilar conditions exist today in France, and the PCF's response to them follows the same degenerative lines. Exiled to opposition, the party seeks to sustain the fidelity of its elite by promising security of jobs within the hierarchy. Once an official or a back bench deputy masters the rules of Communist conduct, his path is relatively smooth. Opposition is the most tranquil role for any party *équipe*. It provides few definitive tests of personal capacity; there are no troublesome resolutions of responsibility versus ideology, no embarrassing inquiries into the conduct of a ministry, no criticisms of committee reports. Although Maurice Thorez' adaptation of Stalin's maxim that "the Communist party is not a party like the others" may still be technically valid, it is becoming less and less meaningful.

Despite symptoms of advancing senility, which most Frenchmen—and indeed some party members—admit is stifling the dynamic of the PCF, few observers anticipate a dramatic decline in the party's nationwide support. There has been only a small reduction in the number of Communist fiefdoms which have characterized most industrialized areas since the war.<sup>6</sup> Even more important, the hold of the party on the working class as exercised by the CGT union has not been successfully challenged by either the Socialist-oriented CGTFO or the Catholic CFTC. Union shop committee and social security board elections are still won with impressive majorities by the CGT candidates. There was a slight rollback of CGT predominance in 1952 in most sectors, but even then the majority union was backed by an average of 67 per cent of the voters in industry and basic services.<sup>7</sup> Election results in the mine

<sup>5</sup> Joseph A. Schumpeter, *Capitalism, Socialism and Democracy*, 3rd ed. (New York 1942), pp. 341–48.

<sup>6</sup> Some decline has, however, been registered in the number of Communist-controlled cantons in Le Nord and Pas-de-Calais.

<sup>7</sup> Good comparative figures for the election results of 1952 can be found in *L'Observateur*, June 19, 1952. Scattered reports of individual plant elections are available in *Le Monde*, June 12, 1952.

basins gave CGT 71.8 per cent, on the ~~re-~~trucks 66.8 per cent, and at the Citroën automobile plant 73.6 per cent.

Since the recoil in 1952, the CGT seems to have regained the ground lost, and in a few places virtually monopolizes the whole union field.<sup>8</sup> It would be unwarranted to infer, however, that CGT candidates survived the mild reversals of 1952 because of outstanding past performance. The incapacity of the weaker unions to capitalize on the modest gains won in 1952 confirmed the feeling of many workers that it was better to go along with a powerful union machine—no matter what its politics or personnel. Once again, as it has so many times since 1947, the CGT benefited by the sheer weight of preponderant numbers.

Other signs of declining Communist influence via the CGT, although not susceptible of precise measurement, are significant. Political manifestations have proved so unpopular that they are rarely undertaken by union leaders even under heavy pressure from the party. Admissions of strike failures are made openly by high-ranking CGT officials.<sup>9</sup> Relations between local federations and the national union are, according to published complaints of responsible officers, even worse than usual.<sup>10</sup> One shoddy piece of union fecklessness ticked non-Communists in the spring of 1953. The CGT officers of the Paris Subway Workers union decided on a surprise protest strike of limited duration. Service was halted during the early morning hours when the workers were streaming into Paris from the suburbs, but all was normal again by 9 A.M. when "the bosses" rode to work.<sup>11</sup>

Even when the party speaks officially, the CGT is under fire. Marcel Servin's organizational report at the 1954 Congress revealed that, of total party membership, only 25 per cent belonged to plant cells—an obligation for all wage-earning card carriers.<sup>12</sup> Of these, 38 per cent were industrial (mostly metallurgical) and arsenal workers, an indication that party representation in other trades is scattered at best.<sup>13</sup> The party Secretary also disclosed that a sampling of membership cards showed that 26 per cent of bearers entitled to belong to the CGT were not members of any union.<sup>14</sup> The gap between CGT sympathy (and

<sup>8</sup> A sampling of 1955 CGT successes can be found in *Le Monde*, May 21, May 29, and June 4, 1955.

<sup>9</sup> See especially the contrite resolution adopted by the June, 1954 meeting of the CGT National Committee, after the poor showing of the April demonstration for a minimum wage of 25,000 francs, as reported in *L'Humanité* June 21, 1954.

<sup>10</sup> See for example the thunderous warning of Frachon addressing the leaders of the Paris area metal workers. *Le Peuple*, supplement, Sept. 15, 1952.

<sup>11</sup> See the caustic report in *Le Monde*, April 1, 1953.

<sup>12</sup> Report of M. Servin, *L'Humanité*, June 5, 1954.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

it is more often sympathy than affiliation) and Communist sympathy is symbolized by the present situation at the mining center of Fives Lille. Twenty-seven of the 29 delegates to the Plant Committee were elected from the CGT list. The majority union received 5,300 votes, virtually sweeping the field, but of those casting ballots only 300 were party members. While the plant is under the control of the CGT, the workers' living quarters at Hellemmes has had a Socialist mayor since 1947.<sup>15</sup> As one observer notes, the CGT depends "... on a solid general staff which occupies the key post [in the plants] enabling it to bring along an immense crowd of hesitants and indifferents."<sup>16</sup>

Control of these key CGT positions has always been the prime strategy of the party. It is a realistic policy which recognizes the hard facts of French union life—loose organization, no closed shops, and a virulently individualistic, or perhaps anarchistic, mistrust of leaders by the rank and file.<sup>17</sup> From one point of view, the Communists' adaptation to these conditions must be regarded as a skillful "making do" with very little. The key to continued success, however, is always the suppleness with which the leadership adjusts to the volatile demands of its following. When there is no identity of Communist and trade union goals, the rapport between leaders and rank and file is strained or vanishes altogether. The same leadership may well reassert itself, but there will always be long periods when the leadership function of the party in its union is virtually non-existent. No Communist lexicon prepares the union officer for this; in fact, a reading of Marxist materials invites him to believe that the most fertile field for the exercise of organizational techniques is the "mass man," the army of industrial workers tied to the same factory, to the same squalid working-class suburb—in a word, the industrial "prole." Subject to the rigid requirements of the party's line as devised to serve political ends, the militant risks losing all influence with the CGT rank and file in attempting to square a transitory political line with the everyday interests of his troops. At the same time, the party holds him responsible for the activities of his union, and for the success or failure of both strikes and political manifestations. Thus the Communist union boss is squeezed between irreconcilable forces; internal crises are precipitated and autocritiques demanded.

This dilemma has reached the highest levels of the CGT hierarchy. The union's crusty General Secretary (and *ex officio* member of the party's politburo), Benoit Frachon, in preparation for the general

<sup>15</sup> See "La Classe Ouvrière se détache-t-elle du Parti Communiste?," part III of a series by M. P. Hamelet in *Le Figaro*, Dec. 9, 1954. <sup>16</sup> *Ibid.*

<sup>17</sup> The best description of this attitude can be found in Val R. Lorwin, *The French Labor Movement* (Cambridge, 1954), Ch. 9.

strike of April, 1954, sought to generalize the movement by vigorously denying that the CGT's initiative was politically motivated: "Those who try to invent some sort of political manoeuvres on the part of the CGT are themselves fully aware that they are lying."<sup>18</sup> Two months later the unhappy union boss was listening to a searing criticism of the strike, delivered by none other than acting party Secretary Jacques Duclos, from the tribune of the party Congress.<sup>19</sup> The following day Frachon made his own autocritique, admitting (one supposes with fingers crossed) that he had erred in emphasizing the purely material aspect of the strike demands: "... workers are not merely specialists in union affairs, they should apply themselves to the whole line of a class."<sup>20</sup> The veteran party and union militant had attempted to broaden the scope of the strike by appealing to all labor elements, but had been forced to recognize that the party's doctrinaire purposes could not be relegated to a minor theme. As in most such affairs, however, the tempest signalled a new change in party line which recognized too late, perhaps, the difficulties that had produced a damaging admission of internal disharmony. The old saw of union unity was dusted off in the 1954 Congress and pushed with more vigor than at any time since the Liberation.<sup>21</sup> Implicit in this new turning was an undertaking to de-emphasize purely philosophic or doctrinaire differences separating the various elements of the left. (The aim was to reduce Socialist and left-wing Catholic opposition to a few specific short-range goals of Communist policy, i.e., the defeat of EDC and the establishment of an East-West *détente*.) In arriving at this benevolent position, however, the party had crudely exposed itself not only to its own following, but to the whole French public.

Part of the new pose of the CGT is relaxation of controls on discussion of basic issues within the organization. The artificially-created liberal atmosphere reached a somewhat unpromising climax in the annual convention of the union in June of 1955. Two nominally non-Communist union officials were permitted to plead against the general report on economic conditions prepared by the party leadership.<sup>22</sup> That

<sup>18</sup> *Le Peuple*, April 15, 1954, supplement.

<sup>19</sup> Duclos' speech appears in *L'Humanité*, June 4, 1954.

<sup>20</sup> Frachon's autocritique appears in *L'Humanité*, June 5, 1954. Interesting commentary on Frachon's dilemma is contained in the Catholic journal *Syndicalisme*, June 24, 1954, under the title, "Autour des Déclarations de E. Frachon."

<sup>21</sup> Actually the CGT had initiated this renewed call for unity in its 29th Congress of June 7-12, 1953. For interesting commentary on the party's redoubled enthusiasm for unity of all members of the working class, see L. Rioux, "Une Nouvelle Orientation de la CGT," *France Observateur*, July 1, 1954.

<sup>22</sup> The opposition, led by Le Brun and Ribard, was spirited, if not widely followed.

their opposition was effectively restricted by the regular Communist leadership suggests that they were given the platform only to dramatize a superficial change in attitudes on internal democracy.<sup>23</sup>

In summary, then, one must conclude that all is not well within the most formidable bastion of the party. The CGT is not weak in numbers nor even in supporters, but as an instrument of party policy it has been dissipating a reputation carefully nurtured during and since the *Résistance*. It cannot depend on widespread support for party-inspired strikes; its leaders are often compromised by their party attachment. Conversely, what vigor the CGT does possess is probably due to the furious activity of Communist officials and the sheer numerical following which the label CGT commands. The posturing which Communist allegiance imposes on the organization no longer fools anyone. It does not drive the non-Communists or the apathetic into rival unions, but it does reduce the inclination of the rank and file to respond to the bidding of their leaders. Certainly they cannot be counted on for any comprehensive implementation of Communist party aims.

The same general developments can be noted if recent behavior of the PCF as a whole is examined. We have suggested that the Communist presence is now an accepted part of French life. The turbulent excitement of the post-Liberation period, when the PCF was riding a crest of popularity, has long since passed. There are no longer dramatic conversions of prominent intellectuals, announced with flamboyant flourishes in the Press—but there are countless unannounced desertions. The opinion of the party is no longer sought on every issue—it can be accurately foretold by anyone. In a word, the party is becoming “old hat.”

Evidence of declining interest comes not only from professional critics of communism, but also from official reports of the party's own leadership. The last announcement of membership figures (which in themselves are probably inflated) showed 506,250 cards delivered in 1954, as contrasted with 786,855 in 1949 and 907,785 in 1947.<sup>24</sup> Official complaints of the “disappearance of dozens and dozens of cells” indicate

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Le Brun's Congress speech was reported in full by almost all newspapers June 15, 1955. For a detailed if over-optimistic description of the minority, see “Tendances à la PCF,” *France Observateur*, June 3, 1954.

<sup>23</sup> The CGT Congress was not allowed to vote on the minority economic report presented by Le Brun and his small following of dissidents, and extraordinary efforts were made to persuade him to accept compromise formulas.

<sup>24</sup> From the report on party organization delivered by Marcel Servin at the 1954 Congress, *L'Humanité*, June 5, 1954. A rightist paper claimed that only 230,000 cards were distributed in 1955. See *Le Figaro*, April 27, 1955.



weakness of internal organization.<sup>25</sup> Even the organ *L'Humanité* is reported as staggering under the double problem of losing the subscriptions of militants and of competition from "bourgeois journals." Editor Étienne Fajon made a full and frank autocritique before the party's Central Committee in late 1954,<sup>26</sup> confessing to a sharp drop of circulation and geographic coverage. Before the war there were two PCF dailies although there are now 15, the total number of readers is not significantly higher. The sales of *L'Humanité* reached 336,000 in 1937; today the combined sales of all 15 papers is 517,000 (by Communist estimates). In the three departments of the Seine which comprise the Paris region there are only 77,000 subscribers to *L'Humanité*. Fajon also announced that three-quarters of the Communist electors in the Paris area read other than party dailies. Thirty-two departments have no distribution of Communist provincial newspapers, and in these departments the circulation of *L'Humanité* is lower than before the war.

Nothing suggests that Fajon's autocritique has produced a more promising upturn in the capacity of the party to beam its message. According to one observer, *L'Humanité* now exists thanks only to the charity received from its Sunday edition, *L'Humanité Dimanche*, which is hawked by volunteer militants at high rates.<sup>27</sup> Even the more sophisticated theoretical review, *Cahiers du Communisme*, has been forced to print its own autocritique—confessing too arid and pretentious an approach, of little direct concern to the average militant.<sup>28</sup> The party's propaganda difficulties were climaxed at the turn of the year by the announcement, not in the official paper, but in *France Nouvelle*, a semi-popular magazine, that Jeanette Vermeersch, sometime mistress and now wife of aging party boss Maurice Thorez, had assumed direction of the "agitprop" activities of the party.<sup>29</sup> To date "la belle Jeanette," as she is called by more obsequious comrades, has produced no new shakeups, and there are no signs that the informational and educative services of the PCF have improved. In fact, Mme. Vermeersch's elevation is prob-

<sup>25</sup> See *L'Humanité*, Nov. 22, 1954.

<sup>26</sup> The speech of Fajon before the Committee is contained in his own journal, *L'Humanité*, Nov. 13, 1954.

<sup>27</sup> See A. Griotteray-Brayance, "Le Parti Communiste en 1955," *Monde Nouveau*, Jan., 1955, pp. 28-33. Even the eminently successful journal edited specifically for peasants, *La Terre*, is losing ground. See L. P. Hamelet, "Le Parti Communiste et les Agriculteurs," *Le Figaro*, April 7, 1955.

<sup>28</sup> The autocritique of the *Cahiers* is contained in the article by two editors, V. Michaut and M. Limbourg: "À Propos du xxx<sup>e</sup> Anniversaire des *Cahiers*," *Cahiers du Communisme*, Vol. 31, preface (Feb., 1955).

<sup>29</sup> A discussion of this curious and somewhat clandestine replastering of party functions can be found in *Le Figaro*, Jan. 14, 1955.

ably better explained as a tightening of centralized control by organization veterans than as a sincere effort to recoup on the propaganda front.<sup>30</sup>

That the monolithism of the party's structure and its exile in opposition have produced a dry rot eating away at its *élan vital* is denied by few, even among the most faithful. Even fewer, however, will openly discuss the antics of the highest ranking officers to maintain their privileged positions. The failing Thorez, who unquestionably uses Jeanette Vermeersch as the champion of his own personal power, symbolizes in many ways the present condition of the party. Illness has aged him well beyond his years. (The party's organizational secretary complained at the last Congress that of 100,000 new members in 1954, only 11 per cent were under 25, while 29 per cent were over 50.)<sup>31</sup> He shows increasing fear of inability to maintain his position. The party now finds it necessary for security reasons to house the delegates to its Congress in the homes of faithful Parisian militants, to insist on communal eating arrangements during the three or four days a provincial delegate is in the Paris region, and to grant the platform to only one centrally chosen speaker per delegation.<sup>32</sup> At least one report declares that at the central committee meetings of the party only 15 (out of 75) ever speak, and that they are always the same fifteen.<sup>33</sup>

Only the most obvious symptoms of hardening of the arteries within the PCF have been recorded here. Much remains that is not reducible to documentation. For example, it is still extremely difficult to assess the degree of Communist success with the peasantry. The peasants' cooperative organization, the CGA, has succeeded in ridding itself of most of its Communist officials, but this was a hollow victory since it can no longer boast of widespread support in the countryside.<sup>34</sup> In contrast, while party strength may have waned in many rural areas, it continues to mount slowly south of the Loire, especially in the districts experiencing a decline in population.<sup>35</sup> This development will be considered more fully in a later section of this paper.

Attempts to create a new band of irreconcilable *durs* out of harried

<sup>30</sup> See below.

<sup>31</sup> See the report of Marcel Servin as reported in *L'Humanité*, June 4, 1954.

<sup>32</sup> See the interesting commentary on these tight-rein methods in *Le Figaro*, July 7, 1954. Further rumblings over Servin's inner party police and espionage methods after the Baranes affair are reported in the same paper, Oct. 28, 1954.

<sup>33</sup> This is a report from *Unité*, the organ of the Le Brun opposition within the CGT, as relayed by *Le Populaire*, June 28, 1955. The writer was unable to obtain back issues of *Unité* and cannot, therefore, confirm the authenticity of the source.

<sup>34</sup> See M. P. Hamelet, "Le Parti Communiste et les Agriculteurs," *Le Figaro*, April 7, 1955. In English the best study is Henry W. Ehrmann, "The French Peasant and Communism," this REVIEW, Vol. 46, pp. 19-43 (March, 1952).

<sup>35</sup> Hamelet, *Le Figaro*, April 8, 1955.

North Africans, who are, everywhere in France, the least favored of the working class, are meeting with small success.<sup>30</sup> The reasons for failure of the party's appeal to the North Africans are not yet clear. Certainly the PCF has operatives, clandestine and otherwise, in all the nationalist movements, and it can even count on a few battalions of colored marchers to demonstrate on May Day. The religious question may be a serious deterrent to Moslem sympathy, but many Algerian and Moroccan spokesmen will suggest privately that the most telling reservations concern the party's tendency to dominate the leadership cadres of the North Africans by imposing its own functionaries.

The party is in trouble. It is losing its dramatic quality. Rigidity and tight-listed control have produced too many mistakes. A sterile opposition role adds no new lustre to its colors. The powerful assault batteries of the CGT are no longer the fearful organisms they were in 1947 and 1948. Because of the party's ubiquitous presence everywhere in French society, it has become for many a bore. But there are deeper and more threatening fissures opening between the party and the French public. These reflect the incapacity of the Communists—because of the doctrines with which they are encumbered—to adjust themselves to new forces that are beginning to fracture the centuries-old crust of France's social and economic structure. Some observations on these changes will be presented in the section that follows.

## II

So far this discussion has been concerned with the description of a decaying colossus—a colossus so mighty that even serious difficulties weaken it relatively little in relation to competing forces. The substantial residue of power which the Communists still dispose risks further compromise from a peril even more grave than bureaucratization, nepotism, and the shrivelling effects of long years of political isolation. That danger is contained in the present ideological posture of the party. This section has as its theme the relationship between the doctrinal position of the PCF and the current social context of France. It is too early as yet to be certain that the two are badly out of joint, but the sclerosis induced by organizational *malaise* would seem to make adjustment to societal changes more difficult.

First of all, why pursue the question of ideology? Are not the creeds of parties (especially French parties) less important than the historical locus they establish for themselves? Do the rank and file really follow

<sup>30</sup> The best English treatment of this question is David S. McLellan, "The North African in France," *Yale Review*, Vol. 44, pp. 421-38 (Spring, 1955). See also A. Vielle-Michel, "L'Évolution des Travailleurs Musulmans en France," *Esprit*, Vol. 23, pp. 864-84 (May, 1955).

the twists and turns of doctrinal development—especially those springing from Marxian dialectics? The same questions can be phrased more simply: is not the PCF better known as a symbol of the *Résistance* than as a faithful conveyor of the Moscow line? Is not the thorough and painstaking organization of Communist communes and municipalities more telling on election day than the brilliance of a rhetorical defense of Marxist art by Aragon before the Central Committee? Perhaps so, but if in the long run inconsistencies between the imposed ideological line and concrete, observable social fact become too marked, the party risks losing its position in the mainstream of history. One suspects that the Soviet leaders are beginning to recognize this danger, but can they unwind the ideological rack on which they have bound their subordinate national units?

It is from this perspective that the present ideological posture of the party is important as an index of its overall health. We shall explore only one point in the current theoretical offering of French communism. This precept is, conveniently, the most vulnerable, but it is also the most difficult to abridge, to "correct" later, and even if next week it is suppressed it cannot easily be evaporated in a "memory hole." Should it be erased, there would be little left of Marxian economic theory. This postulate is the much discussed "absolute and relative impoverishment of the masses"—the axis of current Communist philosophy in France.

The pauperization theme, as it is known, was revitalized by Maurice Thorez when he took up the cudgels to answer a speech by Douglas Dillon, the United States Ambassador to France, delivered in New York in January, 1955.<sup>37</sup> The Ambassador had remarked on "a new economic turning" for France, commenting favorably on the rise in productivity, the general steadiness of employment, and visible evidences of increased purchasing power of the working class. The bitter response of the Communist leader unleashed a host of other criticisms elaborating on the basic pauperization theme.<sup>38</sup> Thorez' argument revolved around the classic Marxist maxim of the existence of two polar forces—the one, the capitalist bourgeoisie in full process of concentration; the other, the working class undergoing rapid and absolute impoverishment. The rising productivity rate he admitted, but ascribed it to

<sup>37</sup> Dillon's speech is reported in *The New York Times*, Jan. 15, 1955.

<sup>38</sup> Thorez' original statement on pauperization appeared in *Cahiers du Communisme*, Vol. 31, pp. 259-79 (March, 1955), under the title, "La Situation Économique de la France." The line is further developed by Thorez under the title "Nouvelles Données sur la Pauperisation," *Cahiers du Communisme*, Vol. 31, pp. 803-26 (July, 1955). Official technical elaborations of the doctrine are offered by several writers in various issues of *Économie et Politique*, Vol. 2, 1955. For an interesting Socialist (and neo-Marxist) criticism of the new line, see P. Rimbert, "Pauperisation et Niveau de Vie des Travailleurs, I," *La Revue Socialiste*, Vol. 88, pp. 179-84 (July, 1955).

mechanized production; increase in hours worked, and the "speed up." Thus, rising productivity and even availability of more goods to the working class are achieved by a more intense process of exploitation. Finally, Thorez insisted that the much vaunted new productive capacity pales into insignificance when compared with gains in Germany, Britain, the United States, and the Soviet Union.

The Thorez blast was in part an answer to Dillon. It was also indicative of the party's concern over the seemingly enthusiastic response by all French classes to the Mendès-France program.<sup>39</sup> If the popular premier symbolized anything, it was the capacity to abandon artificial and limiting strictures on political and economic policy. The Communist boss was in effect warning the faithful against the seductions of *Mendésisme*—reminding them that a clear understanding of classical Marxist economic theory would forestall disillusionment in the future.<sup>40</sup> In a way, it was an appealing tocsin because it played on the eternal sentiment of the downtrodden that things are really as bad as they fear—if not worse. On the other hand, it was certainly a message of hopelessness if the visible omens of better times were illusory and no call to revolution was practicable.

It was, in fact, around the question of "abandonment to despair" that opposition within the CGT was roused in 1955.<sup>41</sup> Pierre Le Brun (even though he may have been playing the role of "straw man" for "new party democracy") voiced misgivings about following the Thorez line to this final logical absurdity. The minority spokesman presented his case in advance of the June CGT Congress in a written interview pleading for a constructive attitude. He asked how the French people could be marshalled against the orthodox program of increased productivity and free convertibility and at the same time be expected to oppose the Mendès-France program of technical progress, planned investment, and full employment. By opposing everything, he charged, "Do we not risk appearing to be protectionists conservatives, opponents of all progress?"<sup>42</sup> Failure to meet the challenge of the Mendès-France experience would, he added, "be to play the game of our adversaries . . .

<sup>39</sup> The relationship of Mendès-France to the Left in general is the subject of a number of articles in the special issue of the Sartre-edited *Les Temps Modernes*, Vol. 10 (Nos. 112-13), 1955, entitled "La Gauche." See especially the articles by Lavau, Neville, and Martinet.

<sup>40</sup> There is an interesting critique of the pauperization doctrine from this point of view in the pro-Mendès-France weekly *France Observateur*, March 3, 1955, under the title "Durcissement au Parti Communiste."

<sup>41</sup> See above, part I.

<sup>42</sup> Le Brun's position before the Congress is given full treatment by J. Armel, "CGT," *France Observateur*, April 7, 1955. See also M. P. Hamelot, "Conflict du Doctrine à la CGT," *Le Figaro*, April 22, 1955.

those who wish to relegate us to isolation, sectarianism, weakness." He suggested that militant action by the working class itself might hold in check the law of pauperization of the masses.

In rejoinder, the party leadership coldly reminded him to reread his Marx, and especially his "little Lenin library."<sup>43</sup> Almost all of the top CGT officials condemned the Le Brun position on the floor of the Congress, but the most interesting and revealing criticisms were made by a member of the party politburo, Francois Billoux:

The good apostles of class collaboration pretend that the communists condemn the workers to despair. It is precisely the Socialist chiefs who, by their sermons on the acceptance, submission to, and resignation before the possibility of definitive and successive ameliorations [in the standard of living], try to dissuade the workers from renouncing forever the capitalist regime.<sup>44</sup>

A few days later Louis Saillant, General Secretary of the Communist-dominated *Fédération Syndicale Mondiale*, was quoted: "The modernization of the economy can only accentuate the enrichment of the rich and the impoverishment of the poor."<sup>45</sup>

Floods of propaganda elaborating on the new emphasis have poured out of party offices. Because Dillon and others made a special point of the ability of French workers to buy scooters, motorcycles, and even automobiles, Communist spokesmen have been particularly anxious to dispel the notion that this is an indication of relative well-being. The official explanation seems to be that workers buy these things not because they can afford them, or because they have "bourgeois desires" to enjoy the freedom and mobility gained by owning a *Renault* or a *Vespa*, but because they find them in the long run a cheaper means of transportation to and from work than the *metro* or the bus. (Fares have been priced out of normal range by "reckless, anti-social policies of bourgeois government."<sup>46</sup>) This neat trick of logic turns the purchase of a vehicle by the French worker into another measure of his impoverishment.<sup>47</sup>

<sup>43</sup> Before the Congress the party let go a couple of its biggest guns against the "Le Brun opposition" in editorials by Benoit Frachon, the CGT General Secretary, in *L'Humanité*, May 3, 1955, and by Jeanette Vermeersch, in *L'Humanité*, May 10, 1955.

<sup>44</sup> *L'Humanité*, July 2, 1955.

<sup>45</sup> *L'Humanité*, July 4, 1955.

<sup>46</sup> This was the explanation offered by Marcel Servin at the Central Committee meeting of the party in September, 1955.

<sup>47</sup> Estimates of automobile ownership in France are difficult to come by. However, 2,087,900 private cars were licensed in 1955—certainly a low ratio compared to the total population. A better picture of French "motorization" can be obtained by adding the 3,135,000 velomotors, scooters, motorcyclettes, and motorcycles. The combined figures suggest a rough ratio of one unit for every eight persons. Statistics on registration appear in the automobile trade journal, *L'Argus*, May 19, 1955, supplement.

While these prophecies of doom are being disseminated from every party rostrum, the French economy has continued to improve. Evidence of greater working-class security and comfort is fairly widespread. Nevertheless, real social and economic inequities persist. The advances which have been made are spotty and largely confined to urban areas. In addition, external difficulties might undermine economic recovery at any time. For the moment, however there is no denying that considerable improvements have been recorded in a number of fields, and that the worker's lot has been ameliorated in most industrial centers.<sup>48</sup>

In fact, French society as a whole (and especially that sector of it hitherto most susceptible to Communist pressure) is going through an evolution for which party ideologies are unprepared. The process of change is difficult to follow with real precision, but some indications suggest themselves as markers of the future. The most striking social trend in modern France, that is, the steady increase in urbanization, is of long standing.<sup>49</sup>

More recent trends include rapid growth of service industries and the overall rising skill level of the working force. These developments suggest new opportunities for social mobility, and, in consequence, the importance of re-evaluating worker psychology. Roughly 20 per cent of the active population, or one-third of all salaried workers, now fall into the occupational category which the French call *employé*, that is, those employed in clerical, commercial, and distributive activities.<sup>50</sup> Of this group, nearly a quarter are sons and daughters of working-class fathers.<sup>51</sup> Here the Communist appeal has never been warmly received, and the organizational task of the party is complicated by the absence of large, closely assembled groups of militants in a single plant.

<sup>48</sup> Although wages as such are still at dismally low levels, and in some cases barely equal to those of prewar France, two other factors are important in assessing the condition of industrial workers. First is the increase in total take-home pay due to *allocations familiales* or social benefit payments, amounting in some cases to a sum equivalent to wages. Second, except for scattered areas, employment has been high since the war, with no disastrous lean periods to dissipate small savings. Furthermore, since 1952 there has been considerable success in halting inflation. For details, see J. Dumontier, "La Conjoncture Économique à la Fin 1954," *Économie et Équité Mondiales*, Jan., 1955, pp. 21-23; J. Romeuf, "Les Salaires en France en 1955," *Les Cahiers Économiques*, Jan., 1955, p. 23; and the anonymous analysis, "L'Évolution Écarter des Revenus Salariaux Modestes en France," *Études et Conjonctures*, Aug. 8, 1955.

<sup>49</sup> There are interesting comparative figures of all principal French cities and their suburban towns for the years 1936, 1946, 1954 in *Annuaire Statistique de la France 1953* (1954 ed.), Vol. 60, N.S. #2, Paris, Institut National de la Statistique, Table I, pp. X-XIII.

<sup>50</sup> M. Collinet, *Essai sur la Condition Ouvrière* (Paris, 1951), p. 55. Explicit details of occupational divisions in 1954 are available in *Bulletin Hebdomadaire de Statistique*, Institut National de la Statistique, Paris, #369, Mar. 28, 1955.

<sup>51</sup> M. Fresard, "La Mobilité Sociale en France," *Cahiers Français d'Information*, Jan.-Feb., 1952, p. 18.

As the commercial and service sector of the economy continues to expand, manufacturing is also expanding, but at a slower rate. The distribution of skill groups within this sector is significant in itself for social change. Unskilled workers are no longer an important proportion of the total, and semi-skilled or specialized workers, although still predominant, are not increasing in numbers as fast as are professional workers and technicians.<sup>52</sup> The modest beginnings of automation and other progressive industrial techniques promise an acceleration of this process.

The general rise of the skill median in industry might well lead to a new social role for the industrial worker. More technical training is becoming available; in some quarters union leaders will admit privately that as factory conditions become less onerous, workers are willing to work overtime for a higher take-home pay. Greater security from unemployment and somewhat higher earnings by the industrial working class explain in large part heavy purchases of consumer goods in the last year.<sup>53</sup> Apparently one strong impulse is to "motorize" by buying, usually on credit, a motor bike or scooter. This in turn enables the worker to escape, occasionally, the most repressive features of urban industrial living—and, incidentally, to dodge the Communist party militant who would occupy his evenings and weekends with party entertainment and party propaganda.

Something like the process of "privatization" of interest, which Otto Kirchheimer has described as taking place in postwar Germany, may also be unfolding in France.<sup>54</sup> For the nation as a whole, this would not be surprising, but for the French worker, whose public life has been marked traditionally by violent strikes, demonstrations, and class solidarity, it represents something of a revolution. Working-class consciousness is by no means dead, but as a rallying cry some of its pungency has disappeared. Almost despite its revolutionary heritage, the working class seems to be adapting to basic changes in occupational character. Whatever new patterns of economic or social behavior finally do take root in French society (and the long-run significance of the trends discussed above are not yet clear), they make mockery of the Communists' pauperization theme.

<sup>52</sup> Of every 1,000 workers in 1901, 440 were engaged in raw material production, 373 in manufacturing, and 187 in service industries. In 1951 the figures were, respectively, 330, 415, 255. See the chart of these changes in M. Collinet, "Structure des Classes Salariées en France depuis Cinquante Ans," *Revue Internationale du Travail*, March, 1953, pp. 229-52. Other useful statistics may be found in P. Bleton, "Mouvement Économique et Évolution Social," *Économie et Humanisme*, July-Aug., 1955.

<sup>53</sup> See "Economic Conditions in France," published by the Organization for European Economic Cooperation, Paris (Nov., 1955). This report indicates (p. 8) that nearly two-thirds of the 1955 increase in production was absorbed by private consumption.

<sup>54</sup> Otto Kirchheimer, "Notes on the Political Scene in West Germany," *World Politics*, Vol. 6, pp. 306-21 (April, 1954).



## III

Continued alienation of Frenchmen from Communist discipline depends only in part on the degree to which the party makes unrealistic demands on its followers' credibility. Another important factor is whether a period of relative domestic tranquillity will afford business and government opportunity to "lift the face" of the economy.<sup>55</sup> Whether an economic recession would enable the Communist party to regain its position as a central institution in French life, capable of competing successfully with traditional symbols to which Frenchmen owe their loyalty, such as the Republic, the democratic ideal, or devotion to intellectual independence, is doubtful. Too much has been lost by the party in terms of broad national appeal. Certainly it will remain strong in the industrial areas where its organization is most effective.

There might even be an opportunity for the party to gain real strength in the backwater rural districts, where the decline in the number of Communist cells has been less marked than in urban areas.<sup>56</sup> More than a million French peasants have holdings within the five-to-twenty hectare range, and many of them are engaged in bare subsistence farming. In *départements* where such farms are characteristic, especially in southeast France, the percentage of Communist votes runs as high as anywhere in the country.<sup>57</sup> Although soil productivity is unquestionably low, poverty is more often the consequence of apparent inability to take advantage of new techniques and markets. Should the youth of these backward areas be drawn away to decentralized industries and services now establishing in provincial cities, the "abandoned" districts may grow even further apart from the dynamic areas of the French economy.<sup>58</sup> Increasing isolation could make large sectors of rural France a fruitful hunting ground for the party.

If the drift away from the party is to continue, the path to those

<sup>55</sup> At least the O.E.E.C. is not altogether optimistic about the continuance of an untroubled prosperity in the context of present fiscal practices. See note 53, above.

<sup>56</sup> See the report of the 1953 Party Congress statistics in "Le Communisme en France," *Bulletin de l'Association d'Études et d'Informations Politiques Internationales* (March 1-15, 1955), p. 25.

<sup>57</sup> See the interesting statistics compiled by M. P. Hamelet, "Le Parti Communiste et les Agriculteurs," *Le Figaro*, April 9-10, 1955. A general survey of the poorer peasants' disposition to follow the party may be found in Ehrmann, "The French Peasant and Communism" (cited in note 34). See also François Goguel, "Pourquoi les Français Votent comme Ils le Font," *The French Review*, Vol. 30, pp. 318-33 (Feb., 1955).

<sup>58</sup> Interesting commentary on the new form of industrialization coming to the provinces is contained in the case study by J. Goulet, *Naissance d'une Grande Cité: Le Mans au Milieu du XX<sup>e</sup> Siècle* (Paris, 1953). For a warning that the western half of France might become an agricultural backwater, see A. Philip, "France's Economic Situation," *Yale French Studies*, No. 15, pp. 87-98 (Winter, 1954-55).

occupational and economic activities which are commercial, or of a higher skill level, and, more importantly, "middle-class" in psychological orientation, must be kept open. Lack of social fluidity is still the key problem of French life. Evidence abounds, both statistical and of the type immediately apparent to the casual tourist, to demonstrate that movement between class levels and social strata, although growing, is still highly restricted. The most telling index is educational opportunity. Technical training is now more widely offered, but the formal educational process shows only slight change in recent years. In a sample poll taken in 1952 of 3,000 French industrial workers, none had entered the *stage supérieur* or higher education, although 13 out of every 100 had had some form of technical education.<sup>59</sup> Eight of every 100 had advanced past primary schooling.<sup>60</sup> A recent survey of university students revealed that 2.3 per cent of those enrolled in state universities were the sons and daughters of skilled workers, as compared to 18.7 per cent who were the children of the lowest ranking *employés* and *petits fonctionnaires*.<sup>61</sup> Sixty-five per cent of successful candidates for the National School of Administration, which provides France with its top bureaucrats and managers, were from the highest socio-economic group—industrialists and top-flight technical specialists. Only 3.3 per cent came from working-class homes, and none from unskilled or farm labor parentage.<sup>62</sup>

The figures cited above are somewhat more comprehensible when it is remembered that there are few opportunities for student employment or scholarship aid in France. In the Paris region, for example, out of 140,000 secondary and advanced students only 15,705 were receiving any sort of official scholarship aid in a typical postwar year.<sup>63</sup> The principal path to advancement is still through the traditional two-generation process. A modest post in some administrative office may be open to the worker's son with little education, but only his grandson may anticipate sufficient education for a significant advance up the social ladder. The steady movement toward tertiary occupations will doubtless exacerbate the urge for mobility. An infusion of new blood into the élite has long been a real need in professedly democratic France.

<sup>59</sup> *Ibid.* "La Mobilité Sociale en France" (cited in note 51).

<sup>60</sup> *Ibid.* The writer cites a more recent survey in the Seine (Paris) region, in which five per cent of the *lycée* students were of working-class origin. T. Bottomore, "La Mobilité Sociale dans la Haute Administration Française," *Cahiers Internationaux de Sociologie*, Vol. 12, pp. 157-71 (1952).

<sup>61</sup> P. L. Hauraud, "Le Rôle du Facteur Humain dans la 'Stagnation' de l'Économie Française," *Économique Revue de l'Économie Contemporaine*, Vol. 4 (July, 1954).

<sup>62</sup> See Miossi, "The Bases of Communist Strength in France" (cited in note 1), and Bottomore, *op. cit.*

<sup>63</sup> From *Le Monde* quoted by Bottomore, *op. cit.*

The pressures and counter-pressures beginning to operate in this area of social and economic activity should be crucial to the survival of the "middle-class urge" at the expense of the Communist emphasis on working-class consciousness.

One further word should be added in assessing the impact of Communist power and its adaptability to contemporary French moods. Perhaps the Communists are out of step; perhaps, to push the argument to its logical extreme, their influence will evaporate in the face of powerful social drives for the status and semi-security of *petit bourgeois* living. If so, there remains the unpleasant possibility that the PCF has already accomplished too much. There may be nothing to take the party's place for those who abandon it. Years of bombast fired at the "criminal Republic" and all its works have added imperceptibly to the Frenchman's normal disdain for government in any form, and particularly for the government in power. The crisis of civic conscience cannot but sharpen for those who, consciously or not, have drunk deeply of Communist propaganda.<sup>64</sup> The Communist peace theme has deeply affected attitudes on foreign issues. The fact that France's foreign policy dilemma has centered on the emotionally unpopular issues of German rearmament, the Indo-Chinese conflict, and maintenance of the colonial presence in North Africa plays into Communist hands.<sup>65</sup> This is not to say that neutralism has entirely triumphed in the battle for Frenchmen's opinions on international matters, but rather that Communist persistence has strengthened it.<sup>66</sup> The real winner in the struggle that has been going on since Liberation may be the grey hosts of complete political irresponsibility and disaffection from public life. Powerful drives for new status may spell the collapse of Communist power. These urges, overemphasizing the ignoble French middle-class preoccupation with material security and private interests, may, however, also prove a danger, not only for France, but for all Western Democracy.

<sup>64</sup> That this problem seriously preoccupies French leaders is demonstrated by the tone and content of the papers offered at the annual lay Catholic national meeting held in 1954. See *Crise du Pouvoir et Crise du Crisme*, Chronique Sociale de France, Collection Semaines Sociales de France (à Rennes) (Paris, 1954), especially the articles by Aubry, Savatier, Delouvrier, Thézé, Boudel, and Simon.

<sup>65</sup> For interesting commentary on the party's ability to capitalize on these issues see Griotteray-Brayance, "Le Parti Communiste en 1955," (cited in note 27). For a lengthy, and in places brilliant statement of the fellow-travelling camp see J-P. Sartre's report, "Les Communistes et le Paix" in various issues of *Les Temps Modernes*, Vols. 8 and 9 (1953 and 1954).

<sup>66</sup> Some recent views on this subject may be found in John T. Marcus, "Neutralism in France," *Review of Politics*, Vol. 17, pp. 295-328 (Summer, 1955).

## AN INTRODUCTION TO THE SENATE POLICY COMMITTEES

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The subject of party responsibility for public policy in Congress has commanded much attention among political scientists. Creation of the Senate party policy committees in 1947 with legal sanction and public appropriations was heralded by some political scientists as a major step in the direction of centralizing and evolving a so-called party program. These committees have now been in operation for nine years, during which the Republican and Democratic bodies have each served about the same amount of time in the majority and minority. The committees may be said to have passed the experimental stage. Notwithstanding this, there is a paucity of material, both descriptive and analytical, concerning their operations.

In 1951 extensive hearings were held to evaluate the operation of the Legislative Reorganization Act.<sup>1</sup> Yet none of the three Democratic Policy Committee chairmen—Senators Barkley, Lucas, and McFarland, nor any member of their staffs appeared to testify. Senator Robert A. Taft, Republican Policy Committee Chairman, made no reference to his committee when discussing the Act. His staff director, George H. E. Smith, made relatively brief comments about the policy committee, and these were directed primarily to the need for additional help for his overburdened staff. Robert Heller and political scientist George B. Galloway had only a few comments to make on the subject. Indeed, it is remarkable that in over 650 pages of testimony the policy committees received so little attention. In answer to a questionnaire on congressional reorganization only seven out of 80 senators and representatives who replied indicated that priority should be given to the question of majority-minority policy committees.<sup>2</sup>

### I. PROBLEMS OF STUDY AND METHODOLOGY

The policy committees themselves have preferred to operate unobtrusively and to hide their light under a bushel. Even within the Senate, they more or less consciously remain in the background. One freshman senator noted that during his first session he had little awareness of the committee and was never approached by a member of the committee on any matter of policy. All meet-

<sup>1</sup> *Hearings on Evaluation of the Effects of Laws Enacted to Reorganize the Legislative Branch of the Government before the Senate Committee on Expenditures in the Executive Departments*, 82nd Cong., 1st sess.

<sup>2</sup> *Ibid.*, p. 7. It may be observed that few textbooks more than mention these committees. George B. Galloway in *The Legislative Process in Congress* (New York, 1953) gives some attention to the subject (pp. 334-37, 602-5). Perhaps the aspirations for the policy committees are best expressed in the so-called Heller Report prepared for the National Planning Association under the title *Strengthening the Congress* (1944); pp. 14-17. For Mr. Heller's critical evaluation of the composition and operation of these committees in practice, see *Hearings* (cited in note 1), pp. 287-90.

ings are in secret, and only members and the staff director are present. It is almost impossible for the outsider to obtain information on the real workings of either committee, since no staff member or senator has prepared data on the subject for publication. The Republican Policy Committee has made available for public distribution the party conference rules and a brief mimeographed statement outlining the functions of the committee.<sup>3</sup> Its Democratic counterpart has nothing available on either rules or functions. A major reason for preferring to operate in an unpublicized, sub-surface manner is to avoid giving the impression that the committee is "laying down a party line" or trying to bind its members in the Senate.

While minutes of the policy committee meetings are kept, they are not made public and are unavailable to the scholar. In the 83rd Congress, a résumé of Republican Committee discussions was provided to all Republican senators but not to the general public. Such summaries of the Democratic meetings have never been prepared. Communication on what was discussed in the policy committee is largely through word of mouth. Each senator reports informally to other senators. Press correspondents usually wait outside the committee room for the chairman to emerge from the meeting. At this time the Democratic chairman sometimes gives out statements or reports certain items which were considered. Republican chairmen have customarily held press conferences after the meetings. Individual policy committee members sometimes render information on promise of having their names withheld.<sup>4</sup> These persons are the only ones who promote information.

Because of the absence of official records, public statements by spokesmen for the policy committees, and articles by staff members and journalists, the ordinary methods of the social scientist and social psychologist are unproductive for the study of policy committees. Quantification techniques, attitude and sociometric measurements, content analysis and the like, are usable for only a very few isolated aspects of the committees' activities. Moreover, these methods are capable of yielding but little data helpful to the political scientist desiring to understand and to conceptualize the role and procedures of the policy bodies. "Institutionalists" and "behaviorists" alike are bound to be frustrated in their studies of the committees. Because of the individualism of the Senate and the importance of interpersonal influence, uniformities and regularities are hard to find and generalizations difficult to make. There is scarcely enough

<sup>3</sup> See "Republican Conference Rules, January 11, 1955" and "Functions of the Senate Republican Policy Committee and Work of Its Staff," August, 1953.

<sup>4</sup> Typical of press reports is the story in the *Washington Post and Times Herald*, March 30, 1955, which reported on a three-hour Democratic Policy Committee meeting in such terms as these: "A Democratic spokesman, who asked not to be identified, said Democrats have no intention of handing Mr. Eisenhower an ultimatum . . . What disturbed the Senate Democrats, one of their number said, was the recurrent pattern of so-called 'leaks' about which the President knew nothing . . . Deeply irritated by the conflicting stories, the Democratic spokesman said . . ." The remarkable thing about this report is that Senator Lyndon Johnson, the committee chairman, gave out no statement and his name appeared nowhere in the column-long article.

knowledge and information upon which to formulate hypotheses capable of being tested by empirical research.<sup>5</sup>

Ralph K. Huitt has utilized the status and role theory successfully to study and to explain a congressional committee.<sup>6</sup> Such an approach, if it could be used, would be a productive one for studying policy committees. But the latter, unlike standing committees, hold no open hearings and afford no opportunity for examination of their records or actions. First-hand observation, moreover, is impossible.

When other methods are unavailable, unusable, or inappropriate, interviewing to elicit information, impressions, and expressions of opinion must be utilized. The interviewer soon finds that senators who are members of the policy committees are reluctant to discuss some of the most fundamental aspects of committee operations. Strategy to be effective often has to be secret, and confidentiality is an integral part of the rules of the game in the Senate. Senators are unlikely to reveal the basic secrets even to their own administrative assistants, let alone to the outside investigator. Hence those trying to obtain a picture of the policy committees must also gather and evaluate the more readily available information in the form of hearsay judgments, impressions, and even gossip from nonmembers.

Notwithstanding the handicaps, an interest in the policy committees tempted the writer to bring together here diverse fugitive materials and information on them. Except for the very few descriptive materials which can be "documented," this is largely an impressionistic product, an attempt to sift contradictions, and to weave together confirmations.<sup>7</sup> The writer has two purposes in mind in this presentation. First, an effort is made to record some of the most important details about this little known congressional institution in the hope additional studies may be encouraged. Second, an attempt is made to develop a few general theories about the action of the policy committees.

## II. CREATION, COMPOSITION, AND DEVELOPMENT

The Joint Committee on the Organization of Congress reported that "strong

<sup>5</sup> An interesting question confronting the "behaviorists" is the amount of information and impression required before an acceptable hypothesis capable of verification can be drafted. The writer resists any temptation to deal with this question except to observe that he has seen no hypothesizing about the policy committees. Whether this is due to lack of information about the committees, a lack of interest in them, or something else, is not known.

<sup>6</sup> See "The Congressional Committee: A Case Study," this *Review*, Vol. 48, pp. 340-65 (June, 1954).

<sup>7</sup> The writer gathered this material in 1954-55. Several senators who were on the policy committees and several ex-members were interviewed. Interviews with senators were necessarily brief and unstandardized, and unstructured questions were used in order to elicit information which, in the writer's judgment, the senator was best able to provide. In addition, the writer observed the staffs at work, talked at some length with many staff members of both committees, and sought the views of numerous administrative assistants and other people on the "Hill." By agreement, none of the senators or staff members are quoted. Evaluations, judgments, and errors of fact are entirely the author's.

recommendations" had been made to it concerning the need for the formal expression within the Congress of the main policies of the majority and minority parties. These representations called for some mechanism capable of bringing about more party accountability for policies and platform pledges. The committee recommended the creation of policy committees "to formulate over-all legislative policy of the two parties."<sup>8</sup> The Senate accepted this proposal as it was incorporated in the Legislative Reorganization Bill, but the House deleted it. The Senate, however, created such committees for itself by attaching an item in the Legislative Branch Appropriation Act.<sup>9</sup>

In preceding congresses the Republicans had made considerable use of a steering committee under the leadership of Senator Robert A. Taft. This body was simply converted, with few changes, into the Republican Policy Committee. Senator Taft became chairman of the new committee and retained the position until he became majority floor leader in 1953. Taft did not wish to hold both positions and Senator William Knowland took over the committee chairmanship. Upon the death of Senator Taft a few months later, Senator Knowland followed the precedent set by Taft and relinquished the chairmanship to Senator Homer Ferguson.

Democratic practice has been quite different. The Senate floor leadership, the chairmanship of the Democratic Policy Committee, and the chairmanship of the Democratic caucus have been held by the same person, while the Republicans fill the offices with three different persons. The first Democratic chairman, Senator Alben Barkley, made little use of the committee because he saw no need for it. He handled policy and leadership matters to his satisfaction. Senators Lucas, McFarland, and Johnson, who succeeded him, convened the committee fairly regularly. Both committees generally meet weekly while the Senate is in session.

The size and complexion of the Republican committee have undergone considerable change. From the beginning several officials have been *ex officio* members—the chairman and secretary of the Republican Conference, the floor leader, the whip, the president *pro tempore* of the Senate (if a Republican) and, of course, the policy committee chairman. The remainder are nominated by the chairman of the Conference and ratified by it. Senators have the privilege of sending suggestions for nomination to the chairman.<sup>10</sup> The fact that the party officials are on the committee has guaranteed that persons with seniority and a generally conservative orientation dominate its membership. In response to

<sup>8</sup> For discussion of recommendations concerning the establishment of the policy committees, see *Report of the Joint Committee on the Organization of Congress Pursuant to H. Con. Res. 18*, 79th Cong., 2d sess. Report No. 1011, March 4, 1946, pp. 12–13.

<sup>9</sup> 80 Stat. 911, 79th Cong., 2d sess. The committees are charged with "the formulation of over-all legislative policy of the respective parties" and are given a staff "to assist in study, analysis, and research on problems involved in policy determinations." Appropriations for the committees have been gradually increased and in 1954 each received an annual appropriation of \$74,760.

<sup>10</sup> See "Republican Conference Rules" (cited in note 3). All of the Republican party officers are chosen by the Conference.

complaints of freshman senators, Senator Taft added two younger persons to the committee in 1949. There were nine senators on the first policy committee and the number was raised to 11 during the 81st and to 12 in the 82nd and 83rd Congresses.

Senator Ferguson's defeat in 1954, plus the loss of majority control of the Senate, led to considerable reorganization at the beginning of the 84th Congress. Styles Bridges, who had been president *pro tempore* of the Senate during the 83rd Congress, was chosen as chairman of the Republican Policy Committee. In a surprise move it was decided to make every Republican senator up for re-election in 1956 a member of the committee. Two others were added,<sup>11</sup> making a total of 23 on the committee. A major purpose of this move was to give the prestige of being on the "policy body" to each person running for re-election. With this move, which virtually doubled the size of the committee and put on it about half the Republican membership in the Senate, the body obviously could no longer be regarded as a small one concerned with legislative planning and scheduling. The composition of the committee insured that it would be an agency strongly sensitive to the political realities of the forthcoming 1956 election.

The committee's composition in the 84th Congress appeared to have one additional virtue. It brought onto the committee (by coincidence) many ranking members of standing committees. Ten of the 15 committee chairmen during the 83rd Congress were included, thereby insuring that the policy body would be kept apprised of developments within many important committees.

Senators serve on the Republican Policy Committee for two years and are not eligible to succeed themselves, but may be reelected after two years have intervened. However, since all of the party officers are on the committee *ex officio*, several have served many years. Senator Millikin, by reason of being Conference chairman, has served on the committee since its creation. Senator Saltonstall, who became the whip in 1949, and Senators Young and Bridges have served several terms. During the 82nd and 83rd Congresses there was a fairly adequate sectional representation on the committee and a balance between the larger and smaller states.

In sharp contrast, membership on the Democratic Policy Committee has no terminal point and has tended to be self-perpetuating. Turnover has occurred when there were changes in the three *ex officio* members (the floor leader, the whip, and the caucus secretary) or when members dropped out of the Senate. The number on the committee has remained at nine. Three who were appointed in 1947—Green, Hill, and Russell—have served without interruption until the present. Senators Johnson, Clements, and Kerr were first put on the committee in the 82nd Congress and have continued to serve ever since. The remaining three members on the committee in 1956 were Senators Hennings, Murray, and Hayden.

The six members appointed to the committee were chosen presumably on the

<sup>11</sup> Senators Alexander Smith and Margaret Chase Smith.



basis of seniority, points of view, and geography. But its membership in the 84th Congress lacked the broad sectional basis of its Republican counterpart. Although there were four Democratic senators from the West Coast (two each from Oregon and Washington), the area was not represented. There were also none from the Midwest, despite Democratic representation from such large states as Illinois, Michigan, and Minnesota (and from Iowa and Ohio in the preceding Congress). Senator Green of Rhode Island was the sole member from New England and the Middle Atlantic States, although there are Democratic senators from his own state, New York, Massachusetts, and Delaware. Conversely, the Southern and Border states had seven of the nine members. In terms of Democratic representation in the Senate, of course, the Southern and Border states can argue that they provide two-thirds of the membership and are entitled to a lion's share of the representation on the policy body. Nevertheless, the needs of certain important Northern interests have no impressive voice on the committee. One member of the Democratic Policy Committee, however, sees it as operating in the "country as a whole" and as simply a part of the process of reconciling sectional and factional differences within the party. It may be noted that extremists have been left off the committee and that moderates compose the membership. Except for this, diverse points of view are reasonably well represented on the committee.

The policy committees have been personal rather than institutional leadership devices. When Lyndon Johnson was absent for several weeks early in 1955 due to illness, the Democratic Policy Committee did not even meet. After his heart attack in July, the committee met long enough to prepare a statement that it would carry out "his policies." Most chairmen in both parties have used the policy committees at their own discretion. When Senator Scott Lucas of Illinois served as floor leader, he was confronted with the necessity of obtaining cooperation from Southern Senators and made considerable use of the committee as an agent for broadening the basis of his leadership.

In Democratic circles on the Hill the Democratic Policy Committee is often spoken of as the "personal staff of Senator Johnson."<sup>12</sup> Johnson is highly successful as a floor leader. He tries to foster a type of discussion among Democrats which will end in friendship rather than in splitting the party. He uses the policy body to work for a large Democratic vote and to keep the party together. In recent years Democratic leaders have feared that the caucus would lead to quarrelsome debates and create party disunity so a caucus has been held only at the beginning of a session. In the interim the policy committee is used to a considerable extent to eliminate the need for convening the caucus. The fact that the floor leadership and policy committee chairmanship are held by the same person has tended to make the committee an instrument of the leadership. The staff of the Democratic Policy Committee serves also as the staff for the duties of the chairman as floor leader.

<sup>12</sup> Senator Johnson generally directs the staff work. In the Republican committee, allocation of the staff work is usually handled by the staff director and secretary, Lloyd W. Jones.

Although both party committees are instruments of personal leadership, the Republican body has been considerably less personal. After Taft gave up the chairmanship, the Republican Policy Committee gave more thought to its own corporate nature and tried to institutionalize itself. By having its own chairman, and by maintaining separate identities for its floor leader and conference chairman, the policy group avoids becoming exclusively the tool or personal staff of the chairman. Leadership of the Senate Republicans is *pro forma* more highly dispersed. Institutionalization has also been fostered by prescribing rules for democratic election and concerning this committee's membership; by issuing a public statement on the functions of the committee and the staff; and by providing that none except the *ex officio* members are eligible to successive terms on the committee.

### III. GENERAL OPERATION AND STAFF WORK

From the foregoing discussion, it is obvious that there is a substantial difference between the two policy committees. Nowhere have the Democrats set down the functions for their policy committee; hence a normative judgment is difficult if not impossible. The Republicans, on the other hand, have prepared an enumeration and brief description of their work operations and functions.

In the Republican Conference rules it is stated that "The Policy Committee shall consider the legislative program in the Senate and the question whether any Party Policy is involved, shall prepare and present recommendations for action by the Conference, and advise all Senators on legislative matters which they desire to present to the Policy Committee." In the memorandum prepared in August, 1953, the following 12 types of operations were assertedly being performed by the committee in pursuance of the authority given to it in the Conference rules: (1) consideration of legislative program to be scheduled for floor operations; (2) consideration of parliamentary procedure; (3) canvass of measures before standing committees; (4) cooperation with the President and White House staff; (5) preparation and issuance of statements on matters involving policy committee interests and actions; (6) advice on the undertaking of committee investigations; (7) consideration of questions arising out of presidential nominations; (8) discussion with individual senators of matters of interest to them; (9) attempts to reconcile divergent views among senators on legislation with the object of promoting party unity; (10) initiation of studies on legislative matters "to advance the national welfare, to implement the party platform, and to strengthen Republican leadership"; (11) recommendation of occasions for calling the whole Republican conference; and (12) cooperation with House Republican leadership.

There is no reliable evidence upon which to determine which of these functions is the most important. The last one, cooperation with House Republican leadership, is no longer of any significance. For a short while after the House Republican Policy Committee came into being in 1949,<sup>12</sup> it met in joint meet-

<sup>12</sup> In January, 1949 the House Republicans converted their steering committee into a policy committee of 22 members. Party leaders serve on the committee *ex-officio* as in the

ings with the Senate group. Poor attendance on the part of House members led to abandonment of these meetings. There is considerable informal relationship between House and Senate leaders, even though the formal policy body relationships no longer exist.

When in the minority, the Republican Senate policy group considered certain of President Truman's nominations, but the screening of nominations was of little importance after Eisenhower's inauguration.

The staff of the Republican Policy Committee is composed of about 10 professionals and five secretaries. Virtually all of the former possess the baccalaureate or graduate degrees and are largely researchers. Although they are generalists, they tend to specialize in certain areas, such as agriculture, conservation, or public works. The staff serves the committee, the Republican Conference, and the Republican Calendar Committee.<sup>14</sup>

The Republican staff produces a large number of publications and has tried to provide materials which Republican senators will need on important legislation and policies. One of its best known publications is the weekly memorandum entitled, "Senate Republican Memo," intended for use in speeches, press releases, newsletters to constituents, and radio and television discussions.<sup>15</sup> It assists Republican senators in outlining and drafting speeches dealing with legislation and policy. It gives limited help on campaign speeches. At the end of each session of Congress, the staff prepares a detailed report on the Republican record and performance.

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Senate policy committees, and 17 additional persons are chosen on a regional basis. The committee meets only occasionally for discussion of major legislative issues. It is largely an advisory body. For the text of the resolution creating it, see Galloway, *op. cit.*, pp. 334-35. Sam Rayburn has been unenthusiastic about policy bodies; hence the Democrats have never elected to create one. It might be noted that the congressional campaign committees in the House perform several services for representatives which the policy committee members render to the senators.

<sup>14</sup> The Republican Policy Committee has a suite of offices in the Senate Office Building. The Democratic staff is located near the Senate floor in the Capitol, in less spacious quarters. There are only six professionals and four clerks on the Democratic staff. Turnover has been higher in the Democratic office and no person has been with the staff from its beginning. Only one person has been with the staff since 1949; several of the professionals joined the committee when Lyndon Johnson became its chairman. As a result, there is no staff member who possesses first-hand knowledge of the history of the committee's work. By contrast, two staff members have served the Republican committee since its inception. In taking note of the larger Republican staff, former staff director George H. E. Smith testified quite plausibly in 1951 that the Democrats "do not need a staff as large as ours because they have the executive departments handing down most of the messages that they wish to embody into legislative policy, along with a tremendous amount of data developed by economists, lawyers, statisticians, and so forth, in the executive departments which we ordinarily do not have access to as readily as does the majority." *Hearings* (cited in note 1), p. 477.

<sup>15</sup> Illustrative titles include, "The Dixon-Yates Contract," "The Political, Hypocritical \$20 Tax Scheme," "More Evidence of Communist Influence in Democratic Administrations," and "Republicans Sell Rubber Plants for Top Prices." In March, 1955 the staff put out a 51-page analysis of the Yalta papers under the title, "Highlights of the Yalta Papers and Related Data." This analysis stirred up a considerable amount of Democratic ire.

Upon request from senators, the staff will conduct interviews with individuals and organizations having an interest in legislation and will report the findings to the senators. Other services include analyses of the legislative record of senators, legislative histories, and bill drafting upon request.

The rules and procedures governing the work of the Republican staff are extraordinarily interesting and merit attention.<sup>16</sup> Work is initiated at the request of: (1) the policy committee as a whole in session; (2) the chairman; (3) any member of the committee (usually upon consultation with the chairman); (4) any member of the Republican Conference (since the staff serves the entire Conference); and (5) the staff director. In the last-mentioned instance, the director generally consults with the chairman or submits the material to the chairman for his approval before issuance. Although the staff directors have broad initiative, the chairmen appear to have kept a firm grip on all of the work done, exercising final direction and command. There have been only two staff directors and each has served under more than one chairman. Nevertheless, there is undoubtedly a personal accountability to the chairman.

The floor leader as an *ex officio* member of the committee can and does ask the staff to do jobs for him. If he states that the work is for his exclusive private use, he does not clear the request with the chairman. If it is on a general problem, it is usually cleared with the committee in session or with the chairman. This is in accordance with a rule that permits the staff to serve any Republican senator on request and without clearance if the material required is stated by the senator to be for his exclusive private use. If the memorandum is likely to become public or to affect other senators, or if the material has application to Republican party interests, clearance is usually required. Clearance may be had by conferring with the chairman or appearing before the committee. If the request is granted, a copy of the finished product is also supplied to the chairman and the committee. Over the years the floor leaders have been served by the staff and requests have been fulfilled both with and without clearance. It is reasonable to conclude, however, that the policy staff serves as an auxiliary staff to the Republican floor leader much less than is the case with the Democrats. As is true with practically all standing committees, the staffs of both policy committees are to a considerable degree auxiliary staffs of the chairmen.

The association of the staff with other Republican Policy Committee members is not nearly so close as with the chairman. In general, staff work for Republican senators is contingent upon whether the material desired concerns party interests and principles. If help is requested outside this frame of reference, senators are likely to be advised that their own staff aids and other sources should be used.

On nearly all publications put out for general distribution, the following printed disclaimer appears: "NOTE: Neither the Members of the Republican Policy Committee nor other Republican Senators are responsible for the statements herein contained, except such as they are willing to endorse and make

<sup>16</sup> The rules were worked out by Senator Taft and the first staff director, George H. E. Smith; most of them remain in force today. The writer and many political scientists are indebted to Mr. Smith for his reports on staff operations.

their owl." This protective statement is used to cover situations where the material was originated either by the staff director, or by one or a few senator members of the committee. It also absolves other senators whose views might be at variance with those expressed in the staff study.

The number and variety of publications by the Democratic policy staff are much less impressive than in the case of its Republican parallel. Very little work is done for individual senators. The staff does a good deal of spot research for the chairman and prepares legislative status reports. It compiles quorum records, noting presence and absence from roll calls and votes, and prepares a vote card that goes to every Democratic senator very soon after a vote is taken on a bill. It also prepares a list of expiring legislation, which goes to committee chairmen and senators. Presidential recommendations and speeches are analyzed for partisan overtones.

As might be expected, the research of the policy committee staffs is politically-oriented and partisan. The research is designed to document the party's record and find holes in the opposition's armor. Both staffs gather materials from congressional committees, the executive agencies, and private interest groups. Since the policy committees are a part of Congress, they may and do use the services of the Legislative Reference Service. The committees, therefore, have access to about the same sources of information as the standing committees of Congress. It has been a function of the Republican policy staff in particular to take the raw materials it receives and to try to apply the party's position to them and point up the policy problems involved. The work of the Republican staff is clearer, and more apparent and tangible than that of the Democratic staff. One wishes that the work of the Republican Policy Committee could be made as clear as that of its staff.

#### IV. SOME ACCOMPLISHMENTS

The usefulness and accomplishments of the policy committees in three fields are fairly well recognized on Capitol Hill. These areas are: (1) service and research, (2) education, (3) legislative scheduling. The services provided by the staff have been described. In addition, the Republican committee has helped senators to secure administrative assistants and secretaries, and high-level personnel. Certain personnel procedures were systematized in 1947 and the new committee chairmen were supplied with names of qualified personnel for committee staffs.

The Republican staff prepares a considerable number of individual memoranda at the request of senators, sometimes as many as 100 per year. These memoranda may be used to accompany legislation or for answering letters. The Republican staff has also met with administrative assistants and other employees in the senators' offices. During campaigns the staff sends research materials to the Republican National Committee and has done a limited amount of speech writing. Some research is also done for the Republican Senatorial Committee. The Republican Congressional, National, Policy, and Senatorial committees exchange and make some use of each others' materials. In a

general sense, all of the materials put out are designed to be helpful to the party in defending its record and pointing to weaknesses in the Democratic record. Some Republican senators believe that from 1947 to 1950 Senator Taft saw the policy committee as an instrument for electing Republicans.

The educational function of the Republican Policy Committee is rather significant. Committee chairmen have appeared before it to report on major problems and measures before their committees. This has helped the policy members to get a broader view of policies, program, and legislation, and committee leaders in turn have been helped by the policy members. During the first few months of the Eisenhower Administration, many cabinet secretaries appeared before the committee. This resulted in giving "political" education to the secretaries and in providing the senators with a greater understanding of departmental programs and wishes. The committee has helped the newer senators to learn their way around and has added to their knowledge of how the Senate really operates.

The Democratic Policy Committee has likewise served educational purposes, but its activities have been less obvious and less broad in scope. Its meetings are luncheon affairs and other senators and executive officials are seldom present.<sup>17</sup> Yet its operation, as will be seen shortly, undoubtedly results in educating a number of Democratic senators.

The policy committees perform useful functions in preparing for the call of the calendar, a procedure for the disposition of minor bills and resolutions.<sup>18</sup> This has had an interesting history. Beginning in 1938, Senator John Danaher of Connecticut began to monitor the calendar as a possible way of checking certain minor bills of the Roosevelt Administration. Senator Guy Cordon of Oregon took over after Danaher's defeat. Both served without staff. In 1949 Cordon prevailed upon the Republican Policy Committee to set aside funds to hire a lawyer to service what became known as the calendar committee.<sup>19</sup> The committee determines the bills to be acted on the calendar call, and prepares an analysis of the bills. When Lyndon Johnson became the Democratic chairman, he appointed a Legislative Review Committee to serve in the same capacity.<sup>20</sup> When the calendar is called the counsels sit with the committee members on the Senate floor.

The policy committee of the party in power is of considerable importance *at times* in determining the general legislative schedule. In reality, the determination of what shall be brought up on the floor is a function of the leadership, but the policy committees may be an aid to it. There is sometimes a discus-

<sup>17</sup> Senator George is sometimes present when foreign policy matters are to be discussed.

<sup>18</sup> The Senate had 22 different calendar calls in 1954, during which it passed 1,381 "un-objected to" bills and resolutions, of which 965 were private bills. See Floyd M. Riddick, "The Eighty-Third Congress: Second Session," *The Western Political Quarterly*, Vol. 7, p. 643 (Dec., 1954).

<sup>19</sup> The committee has usually been composed of three or four persons appointed by the Republican Policy Committee and broadly representative of all sections. In the 84th Congress its membership included Senators Purtell, Barrett, Hruska, and Schoepfel.

<sup>20</sup> Senators Erwin and Bible composed the committee in the 84th Congress.

sion over whether to bring up a bill at all. Quite often the floor leader simply brings in a legislative agenda for the ensuing week and asks the policy group if it has any questions. Members may then ask to have certain items included.

Some have compared the policy committees with the House Rules Committee. In terms of legislative scheduling, this is not an apt comparison. The latter enjoys the status of a standing committee with authority to issue specific rules, impose limitations, and bottle up measures; none of these powers are possessed by the policy bodies. Scheduling in the real sense of the word involves discussion of strategy, decision as to sequence, consideration of timing. Neither policy committee as a committee appears to have gone into these matters with any degree of regularity. One gets the impression that the Republican Policy Committee has devoted more time to legislative scheduling than has the Democratic group, but there is neither documentary nor empirical evidence to prove it.

#### V. THE POLICY COMMITTEES AND THE EXECUTIVE

The Heller Report advocated policy committees as a device which would, for the majority party, "institutionalize within Congress a group with which the President or executive department heads would have regular communication without exposure to partisan politics . . . [and] serve the purpose better than informal conferences between the President and one or two Congressional leaders because the latter are not necessarily able to effect full transmission of opinion between the President and the key men in Congress."<sup>21</sup> Many political scientists also hoped that the policy committee would serve as an instrument for an effective liaison between the President and Congress. The LaFollette-Monroney Committee recommended that the majority policy committees of the two houses "serve as a formal council to meet regularly with the Executive, to facilitate the formulation and carrying out of national policy. . . ." <sup>22</sup> It foresaw that this would result in "improved understanding of each other's problems . . .," through consultation before the introduction of legislation to carry out pledged party promises, and also that it would give congressional leaders a chance to formulate policy instead of simply acting on programs prepared by the Executive.

When the Eisenhower Administration first took office, its legislative program was formulated in a three-day meeting between administrative and legislative leaders. The Republican Policy Committee took over the residuum of the meetings and more or less accepted it as Republican policy. Under Chairman Homer Ferguson (1953-1954), there was a reasonably close relationship between the President and the Republican Policy Committee. The contact was due largely to Senator Ferguson. There is no record, however, of a single instance where either President Truman<sup>23</sup> or President Eisenhower ever met with all of the members of his party's policy committee.

<sup>21</sup> *Op. cit.*, p. 14.

<sup>22</sup> *Report of the Joint Committee on the Organization of Congress* (cited in note 8), p. 13.

<sup>23</sup> Senator Elbert D. Thomas, in his evaluation of policy committees, felt that President Truman should have taken the initiative to convene the Democratic committee with his

Policy committee members have usually learned of presidential or cabinet officer wishes in a second-hand way from their policy chairman. Senator Taft, and often Senator Vandenberg, for example, met with individual members of the Truman cabinet instead of bringing the latter before the Republican Policy Committee in the 80th Congress. Mr. Taft then simply reported to the committee what the officials had told him. As mentioned earlier, Senator Ferguson had numerous Eisenhower cabinet officers appear before the committee—a practice well received. Several senators admitted that the sessions were helpful in getting a detailed view on some forthcoming departmental legislative proposals. These meetings between administrators and policy members, however, have been highly exceptional.

There has been some informal relationship between the policy staffs and those of the Budget Bureau, but not as much as might be expected. In fact, most of the staff of the Budget Bureau seem to be comparatively unaware of the policy committees.

In the main, any hope that the device would serve to effectuate a higher degree of cooperation between the Senate and the President has gone unrealized. Some Democrats believe that the Democratic Policy Committee was used on a few occasions to strengthen Democratic opposition to certain of President Truman's legislative recommendations.

The Republican Policy Committee issued a 32-page memorandum giving data on guided missiles, various weapons, and the numerical strength of the armed forces.<sup>24</sup> The Democrats and some of the press raised the cry that this made public classified information. Defense Secretary Wilson and other officials issued a statement asserting that "no security violation" was involved but found themselves, according to the press, "in the embarrassing position of defending publication of a summary of new American weapons by the Senate Republican Policy Committee while criticizing publication of such military information elsewhere."<sup>25</sup> President Eisenhower said he regarded publication as a "blunder" and that he would not have given out such information.<sup>26</sup> The chairman of the committee, Senator Bridges, took to the Senate floor to retort that "The President's reference to the national-defense study by the staff of the Republican Policy Committee as a blunder is most unfortunate."<sup>27</sup> The

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cabinet and himself. "Had he done so," writes Thomas, "there would have been no need for various clashes between him and several members of Congress which have occurred." See "How Congress Functions under Its Reorganization Act," this REVIEW, Vol. 43, pp. 1179-89 at p. 1183 (Dec., 1949). Thomas remained a staunch believer in the potentiality of the policy committee as an agent of party responsibility.

<sup>24</sup> "National Defense under the Republican Administration—Today and Tomorrow," Supplement to Vol. 1, No. 9 of Senate Republican Memo. March 10, 1955.

<sup>25</sup> *Washington Post and Times Herald*, April 27, 1955.

<sup>26</sup> *Ibid.*, April 28, 1955.

<sup>27</sup> *Congressional Record*, April 28, 1955, p. 4434. Debate on the issue is found in this edition, pp. 4434-36, 4463-64, A 2879-80. When President Eisenhower expressed willingness to attend a Big Four "summit" conference a short time later, Senator Bridges again took to the Senate floor to express his skepticism if not disapproval of such a conference. See *Congressional Record*, May 11, 1955, pp. 5160 ff. See also *The New York Times*, May 12, 1955.



incident shows that there was no consultation with the executive prior to publication and is but one of several which might be cited to demonstrate that policy committee leadership may be publicly at odds with the President.

On the other side of the ledger, it should be pointed out that nearly all of the Republican Policy Committee's publications have attempted to equate Eisenhower's program with that of the Republican party. This is especially interesting in light of the fact that of the three policy committee chairmen since 1953 (Knowland, Ferguson, and Bridges) only Ferguson had the public reputation of being an "Eisenhower Republican."

#### VI. POLICY AND THE POLICY COMMITTEES

At the outset, the conclusion is inescapable that the policy committees are misnamed. They have never been "policy" bodies, in the sense of considering and investigating alternatives of public policy, and they have never put forth an overall congressional party program. The committees do not assume leadership in drawing up a general legislative program but consider certain proposals on an *ad hoc* basis as they arise or are due for floor consideration. Some important policies receive little or no discussion in the committees, and only rarely have the committees labelled their decisions as "party policies." There have been disagreements within the committees and issues are rarely put to a vote.<sup>28</sup> Much legislation is worked out by casual groups of senators who may or may not be members of the policy committees. Party policy is made by a large number of people. "As devices for coordinating legislative policy and strengthening party leadership," says George Galloway, "the Senate policy committees have thus far failed to fulfill their potential."<sup>29</sup>

Chairman Lyndon Johnson, more than his predecessors, has perceived the policy committee as a strategic device and weapon. The committee is used to set up issues in a way that will permit a maximum number of Democrats to go along with the position of the leadership. Johnson's philosophy is to meet senators half way, talk with them personally, and seek to understand their problems in terms of their own constituencies.<sup>30</sup> This method influences the other members of the committee and they tend to operate informally the same way.

The Democratic Policy Committee is also used to shape up issues in a way to embarrass the opposition. On the censure of Senator McCarthy, for example, the committee stated that it was not a party matter but concerned the morals of the Senate and that each Democratic senator should vote according to his own conscience. This avoided giving Senator McCarthy an opportunity to build up strength among Republicans by arguing that censure had been formally made a partisan issue.

<sup>28</sup> The Republicans, however, appear to have taken more votes in their policy meetings than have the Democrats.

<sup>29</sup> *The Legislative Process in Congress*, p. 336.

<sup>30</sup> Johnson seldom makes a speech on the Senate floor and seems to follow the framed motto on his office wall—"You ain't learnin' nothin' when you're talkin'." In practice Johnson has often taken a position privately and if no one appears to disagree, it then passes as the Democratic policy.

When President Eisenhower sent Congress the resolution on the Yalta agreements, it was quickly endorsed by the Democratic Policy Committee.<sup>31</sup> The Republicans were divided on the issue with many feeling it did not go far enough. The action of the Democrats in endorsing the Eisenhower resolution left the Republicans arguing among themselves and the resolution was finally buried in committee. Republican senators were clearly put on the defensive in the matter.

In talking with senators and their assistants, one finds widely varying views about the accomplishments and utility of the committees in the field of policy. This is undoubtedly due to the absence of criteria and standards for judging what the committees are *supposed to do* and what they *can do*.<sup>32</sup> Some believe that the committees, particularly the Democratic committee, do very little, while others purport to see a few real achievements. A few senators would like to see the committees turned into real policy bodies with all that that connotes, but there is no great sentiment for strengthening them in terms of tightening party discipline. The desirability of developing more party cohesion is sometimes admitted in the abstract but not in the concrete. While there is little evidence that a majority of Congress was enthusiastic about policy committees prior to their adoption, a number of representatives and senators publicly testified in 1945 in favor of their establishment and only one member of the LaFollette-Monroney Committee, Representative Cox of Georgia, registered dissent to the recommendation for their creation. All in all, however, it is probably correct to conclude that the majority of senators today are not disappointed that the policy committees failed to become effective instruments of party responsibility and discipline.

The decentralization and fragmentation of power, the prerogatives of individual power and seniority, the habits of individualism and independence are so well-entrenched in the Senate that few senators are interested in placing power in the hands of a policy body. Many senators wish to obtain support if not sponsorship of important legislation from senators of the opposite party. This would be difficult to do if either party declared a measure to be party policy. Further, the environment of Congress is not conducive to delegating to a party committee the authority to lay down a party line which could serve as a public yardstick to judge a lawmaker's vote on an issue and to embarrass him at election time. If the party line is unknown or obscure, a senator has more latitude.

As noted earlier, the composition of the committees leaves much to be desired if "policy" is to be a major preoccupation of their efforts. Senator Walter George, the generally recognized spokesman for the Democrats in foreign policy, has never been on the Democratic Policy Committee and Senator

<sup>31</sup> House Doc. No. 93, 83rd Cong., 1st sess.

<sup>32</sup> A role-perception study among nonmembers of the policy committee, if it could be facilitated, would be highly interesting. In the writer's judgment, such a study would show that in general the role is not clearly perceived and that there is comparatively little insight into the committees.

Arthur Vandenberg served only two years on the Republican Policy Committee. Some of the most influential committee chairmen and ranking members are not on the policy bodies. Should the Republicans continue to place half of their membership on the policy committee, including those up for reelection, they would thereby virtually disavow any attempt to make their committee an effective policy instrument.

Heller, Galloway, and others express disappointment that all committee chairmen were not placed on the policy committees. They believe that failure to take this action, plus the absence of analogous House bodies, are the major reasons for their weaknesses in the realm of legislative policy. Without minimizing the importance of this point, it is the writer's belief that changes in the committees' composition would not now make a material difference. Too many senators remain unenthusiastic about a more centralized legislative policy arm, no matter how that body might be constituted.

Nevertheless, in the realm of policy there are some modest achievements which can be claimed for the policy committees. In the 83rd Congress, the Democratic Policy Committee forged what might accurately be termed a party position on the proposal to tie together Alaskan and Hawaiian statehood, on the recommitment of the Atomic Energy bill to conferees, and on certain tax proposals. It actually formulated a compromise on the \$20 deduction per dependent on the income tax in 1955 and was able to obtain the votes from all but five Democrats on the measure.<sup>22</sup> The Republicans were able to get an almost unanimous vote (one dissent) on the same tax question.

The Republican Policy Committee tried, with some success, to reach an acceptable party compromise or substitute for the Bricker Amendment. In the spring of 1954, the Republican Policy Committees undertook to exercise leadership concerning rules of conduct for committee investigations. Committee chairmen met with the policy committee to discuss the matter at length. Although nothing officially came out of this meeting it was a significant recognition of an important policy matter and of public criticism of the way some investigations were being conducted. The discussions put the various Republican committee chairmen on notice that the leadership was concerned with the problem.

In many cases both party committees have looked at proposals before the Senate and decided that no party policy was involved. At other times they have reaffirmed a policy because it appeared in the party platform. On occasions committee chairmen have obtained help from policy committee members on legislation.

These examples of dealing with policies are not likely to impress advocates

<sup>22</sup> Senator Johnson received unanimous support from the Democratic Policy Committee to bring out this bill as a substitute for Speaker Rayburn's bill, which had passed the House. See *The New York Times*, March 10, 1955. Toward the end of this same session, Johnson issued a statement that the policy committee members were prodding legislative committee chairmen to complete their work on major bills looking toward a July 30 adjournment. See *The New York Times* June 29, 1955.

of party government and discipline either in number or in scope. But neither are they negligible. To an undetermined degree policy discussions in the committee have helped to accommodate factionalism and to etch, for the party leadership, the areas of agreement and disagreement.

To be sure, the committees can bind no one. They can only consider, recommend, and attempt to persuade.<sup>34</sup> Yet some cohesiveness, especially in the Republican party, has been obtained through the preparation of staff memoranda and statements of the record of performance, and through the shaping up of issues. In a few instances a definite stand on a policy has been taken which has commanded nearly unanimous support. Both committees have issued a number of broad statements of party policy.

Policy committee members try to make a distinction between program and policy—possibly a distinction without a difference. The committee members maintain that they do not make policy but take a program submitted by the executive or someone else and decide if it will be adopted as party policy. Democratic members in particular emphasize that they attempt to interpret programs and policies in line with historic Democratic policy. To the extent that this is the role of the policy committees, it is a function of sifting, evaluating, and ratifying rather than of originating and creating. In terms of Senate tradition, however, the role of reviewer is more acceptable than that of drafter and formulator of party policy.

There is a certain intangible psychological influence which is not easy to measure. The label "policy" gives the appearance of leadership. When a pronouncement is made and presumably has the support of all or nearly all of the members of the policy committee, it creates a psychology of a party position. There are some pressures for conformity in the Senate notwithstanding the extreme individualism of its members. Policy committee members include many of the most respected and most powerful men in the Senate. The views of a Millikin, a Taft, a Russell, or a Hill are not lightly regarded by his colleagues. When such men speak as members of the "policy committee," one will not oppose them without important reasons. Emulation as well as individualism is a vital part of the totality of the Senate. To the extent that policy committees can be worked into this fabric of personal interaction, prestige, and interpersonal relationships in the Senate, they can achieve successes.

## VII. CONCLUSION

Experience with the Senate policy committees has led to very little public understanding of their role and indeed of their existence. Their immediate ancestors were the steering committees, and in a genetic sense the policy committees are steering committees, which probably connotes but little. They have been useful in monitoring the consent calendar, in considering certain matters

<sup>34</sup> William S. White in a pictorial article writes: "The functions of the Senate Democratic Policy Committee . . . are roughly those of the board of directors of a powerful corporation." *The New York Times Magazine*, July 10, 1955, p. 10. This analogy suggests powers which neither of the committees possesses.

of legislative scheduling and strategy, and in performing routine and other services needed by the floor leadership. Policy committee sessions are meetings of some of the men of power in the Senate at which political strategy, policy, program and diverse other matters are discussed. Taking the views of senators both on and off the committees, evaluations of the committees' influence on party discipline and unity range from "negligible" to "perceptible," with no one claiming impressive accomplishment. Unfortunately, there is no way to measure whether there would have been even less party cohesion had the committees not existed.

Perhaps the most intriguing aspect of the role of the policy committees is the apparent difference between the Republican and Democratic committees. The former appears to be much more highly developed and somewhat more institutionalized, and to perform many more functions than the Democratic Policy Committee. It has a larger staff, which turns out a large volume of memoranda and publications for use by Republican senator. Although neither policy group gets much play in the press, the Republican committee has given the newspapers far more to write about.

It is interesting to speculate on the reasons for this difference. Simultaneously with the creation of the first policy committees, the Republicans came into control of the Senate after a long period of being in the minority. Senator Taft and other leaders recognized the practical necessity for organization and were spurred on by ideological considerations to arrest the spread of the Fair Deal. There had been a growing recognition in the Senate, as there had been in the Republican National Committee, that the party unable to command the great staff resources of the executive branch needed a strong staff of its own and a broader basis of organizational leadership strength. The Republican Policy Committee possessed utilitarian value, at least in these terms. By contrast, Senator Barkley found the Democrats in very little need of this type of organization. It should be noted that Republican representation in the Senate was so marginal in 1953 that there was no disposition to curtail the staff or diminish activities.<sup>35</sup> Party splits over foreign policy and certain other Eisenhower proposals, moreover, made it desirable to keep intact any instrument which might help to accommodate and compromise the internecine differences. At the same time the Republicans, to a greater extent than the Democrats, appear to be more concerned with attacking the opposition and providing their officeholders with appropriate ammunition.<sup>36</sup> This spirit was inculcated in part by Senator Taft and is characteristic of a party of opposition.

Democrats, by contrast, have had control or near control of the Senate for a quarter of a century. Due in a large measure to the long tenure of Southerners, the Democrats have possessed a highly experienced group of skilled parliament-

<sup>35</sup> Republican representation in successive Congresses, beginning with the 80th, was 51, 42, 42, 48, and 47.

<sup>36</sup> The Democratic Policy Committee has been more restrained in attacking President Eisenhower than has been the Democratic National Committee.

tary and political operators. The Republicans have seldom had more than a handful of such competent politicians at any one time.<sup>37</sup> The "old pros" in the Democratic party have had their own methods of doing things in the Senate and are reasonably well satisfied with both methods and accomplishments.

Notwithstanding this apparent larger role of the Republican Policy Committee, there are reasons for regarding the Democratic Committee as potentially a more important device than its Republican counterpart. This is because it somehow fits better into the "field" or into the totality of co-existing facts about the Senate. The Southerners who dominate the Senate do so by reason of experience and political sagacity, and not by seniority alone. They use personal negotiation and agreement to cut through the maze of obstacles to get things done, or to set up barriers to keep things from being done, as the case may be. Personal operation is used to supply the correctives and mutations when needed. The Democratic Policy Committee under all its chairmen, but especially under Lyndon Johnson, has used the *modus operandi* of personal contact with a view to keeping the party together, doing those things helpful to it, and trying to prevent activities and public statements harmful to the party record. The committee is useful in this connection for appraising political realities and rendering political judgments.

To a considerable extent also the device of a policy committee is compatible with customs and traditions associated with Democratic control of the Senate. The Republican Policy Committee has met well some of the needs of a party accustomed to being in the minority. To some Republican senators, however, the committee seems a bit superimposed and synthetic in terms of the overall needs in the management of the Senate. Senate rules of the game and traditions are so encrusted that they soon swallow up and absorb attempts at innovation. The political scientists and senators who hoped that the policy committees would work some changes in the Senate found that the Senate was unprepared for party policy leadership by a group so designated. But with statutory sanction and appropriations, the policy committees were forced to find a justification for themselves and have done so. There seems to be no sentiment or disposition to eliminate them.

The policy committees cannot be accurately evaluated until the real operation and management of the Senate are understood. This is a challenge to the researcher that will never be fully met, for it involves an analysis of hundreds of interpersonal relationships as well as the more apparent power structure. Explanations of the legislative process in Congress are often too mechanistic. Even the political interest group approach may have unintentionally resulted in some over-simplification. Personal friendships in the Senate are more important than is generally realized and are too often left out of the frame of reference by those attempting to conceptualize congressional behavior. As more is learned

<sup>37</sup> Those serving on the Republican Policy Committee in 1954 had served an average of 9½ years in the Senate, while Democratic members averaged over 14 years.

of how the Senate really functions, the true role and potentiality of the policy committees may be appreciated. Probably more than any other institutions and agencies of the Senate, the policy committees cannot be studied as an isolated abstraction but only in terms of the unit of which they are a part—the Senate.

Several impressions, propositions, and assumptions concerning the Senate policy committees may now be summarized. Each of these provides a challenge for further research and speculation.

First, the Democratic and Republican policy committees are substantially different in outlook, operation, and activity. The reasons for this remain a matter for additional investigation but a major cause appears to be the minority party status of the Republicans, difference in committee composition, and the greater experience of Democratic senators in managing the Senate. A minority party probably has greater need for a policy committee, and especially staff work, than has the majority party.

Second, the Republican Policy Committee receives more publicity, is more institutionalized, and much more is known of its staff and work. Probably as a result of this, it is widely believed on the Hill that the Republican Policy Committee is a more useful and effective body than its counterpart. But this assumption is open to question. In terms of influence and effectiveness with its own membership in the Senate, the Democratic committee may be the superior. This is perhaps the most intriguing paradox—it is a paradox—of party control in the Senate.

Third, the policy committees serve to broaden the base of personal leadership. In the Democratic party the floor leader uses the policy committee and its staff to aid him in his duties. In the Republican party the policy committee chairmanship provides an additional leadership post for some prominent party member and the committee itself assists both the chairman and the floor leader in certain policy matters. One of the untested hypotheses of party control is that when the leader is strong and influential, he needs a policy committee less; a weaker leader or one lacking power needs a committee more than does a stronger one. Senators Taft and Johnson exemplify strong leaders in their own right, while Senators Ferguson and Lucas were less influential and the latter two appear to have made more of the policy committees *per se*. Likewise Senator McFarland appeared to need and consequently used the Democratic Policy Committee more than did Senator Barkley.

Fourth, the policy committees have not even provided overall legislative clearance for the parties, let alone for the Senate as a whole. Decentralization of the consideration of policy appears about as great as it was before the committees were established. Joint policy committees offer a potential agency for party clearance of legislation but, tradition being what it is, there is little prospect of their creation.

Stated another way, the policy committees have left unsolved the problem of

integration of party policy in Congress. Both parties and the Congress try to assert an institutional identity and unity at times, but the centrifugalism brought about by seniority and the intensely personal character of the operation of the Senate make this difficult of accomplishment. There is little prospect that either policy committee will become a centripetal force or an institutional leadership device such as the House Rules Committee. Policy bodies in the Senate must function in a different way than their name implies and must find their niche and level of performance. Since 1947 the margin of party control in the Senate has been relatively small and such may be the case for several years. With this prospect, the need for some group which can influence even a few votes on crucial legislation is apparent. Perhaps this is the role which the policy committees, maybe unconsciously, are finding for themselves.



## COHESION OF BRITISH PARLIAMENTARY PARTIES

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In the perspective of those political scientists who would reform American parties so as to make them more "responsible," British parties are familiar prototypes. Prominent among the admired qualities is the cohesion displayed in parliamentary voting by the members of each major British party. That this cohesion is greater than that of American legislative parties has been generally observed at least since the work of A. Lawrence Lowell.<sup>1</sup> And it is common enough, though not universal, to regard British parliamentary solidarity as a virtue particularly because it permits a victorious party, after an election, to enact the program behind which a majority of voters have presumably been rallied.<sup>2</sup> Correspondingly, the relatively low cohesion among Republican and among Democratic congressmen is taken as a defect of American politics.<sup>3</sup>

The purpose of this article, however, is not primarily to discuss value judgments concerning parliamentary cohesion. Rather it is to examine the nature of that cohesion and the ways in which it is maintained. But regardless of the disputed merits of British practice, it is still reasonable to ask after such an examination whether the cohesion of party members in the House of Commons is the product of devices which the United States could adopt, or whether it is the result of underlying factors alien to the American environment. In other words, even if desirable, would parliamentary cohesion of the British type provide a useful parallel for the United States?

Attention is to be focussed on recent developments within the two major parties—that is, within the *parliamentary* parties. For the most part, the mass organizations outside of Parliament are not discussed. Their role, as has been amply demonstrated by recent British scholarship, is not crucial in establishing or enforcing national party policy.<sup>4</sup> Some of the implications for comparative analysis of this limited role of mass memberships are presented elsewhere.<sup>5</sup> Here it is sufficient to say that the cohesion of British parliamentary parties cannot be explained in terms of the pressure of an outside membership.

<sup>1</sup> *Government of England*, 2 vols. (New York, 1903), Vol. 2, Ch. 35.

<sup>2</sup> A less favorable view of British parliamentary parties has been expressed by J. Roland Pennock, "Responsiveness, Responsibility, and Majority Rule," *this Review*, Vol. 46, pp. 790-807, at p. 801 (Sept., 1952).

<sup>3</sup> However, it has been contended by Julius Turner that the critics of American parties underestimate the degree to which those parties are now "responsible" in the sense of presenting clear alternatives to the voters. "Responsible Parties: A Dissent from the Floor," *this Review*, Vol. 45, pp. 143-52 (March, 1951).

<sup>4</sup> This is the theme of the careful and systematic work by R. T. McKenzie, *British Political Parties* (London, 1955). My own debt to his scholarship is very great.

<sup>5</sup> In the author's "British Mass Parties in Comparison with American Parties," *Political Science Quarterly*, Vol. 71, pp. 97-125 (March, 1956).

## I. THE M.P. AND HIS PARLIAMENTARY PARTY

Since cohesion is unlikely to be spontaneous or automatic in a parliamentary party numbering between 200 and 400, leadership is bound to be of great import. The position particularly of *the* leader is strong because he is either prime minister or a potential prime minister. As such, he bestows the ministerial offices without which an ambitious M.P.'s career is a failure, financially and politically. This is an enviable means for rewarding the faithful and punishing the rebel because the M.P. has no other route, like that of congressional seniority, by which he can achieve power. Yet, in spite of the well-understood potency of the leadership, it must be noted that in the final analysis it is the parliamentary party as a whole which possesses authority. Even if the leadership, especially of a cabinet, ordinarily counts on the parliamentary party's consent, nevertheless the consent of that party (or at least of a majority of it) is essential to the continuity of leadership.<sup>6</sup> Consequently, it is fair to regard the M.P.'s relationship to the majority of his parliamentary party as much the same thing as his relationship to the party's leadership.

*The individual representative.* In submitting generally to the will of the parliamentary party, the M.P. sacrifices much less of political substance than would an American congressman who similarly subjected himself. The British representative is not expected to trim his legislative votes to the wishes of local interests, whether in the form of local party organizations or economic pressure groups. Therefore, he can afford much more readily than his American counterpart to support his party even if it means overriding the particular desires of his constituents. British custom is such that he need hardly fear strictly local reprisals against his subsequent candidacy.<sup>7</sup>

Although the M.P.'s subordination to national leadership is thus politically feasible, he does make an important sacrifice of his own freedom of action. Since this is contrary to the independence often characteristic of M.P.'s until late in the nineteenth century and contrary to the still lively traditions of British liberalism and non-conformism, it is understandable that back-benchers are not always happy about their present status. Few, however, have been so bitter about their lot as Christopher Hollis, an intellectually restive Conservative M.P., who has said flatly: "The member is the obedient servant of the party machine." In Hollis' view, most members, far from making decisions

<sup>6</sup> Pressure from M.P.s of the majority party has certainly been known to influence government decisions. A recent instance was provided in 1953 by Conservative back-bench pressure on the Churchill Government to raise the level of pensions provided to retired officers of World War I. For a discussion of the policy-making role of Labor M.P.s, see James M. Burns, "The Parliamentary Labour Party in Great Britain," this REVIEW, Vol. 44, pp. 855-71, at pp. 870-71 (Dec., 1950).

<sup>7</sup> This holds for party re-adoption as well as for the election itself. In a rare instance where a constituency association actually sought to reject its sitting M.P. for at least partly local reasons, it is significant that the national party intervened in such a way as to prevent the result. The case was that of Mrs. E. M. Braddock, Labor M.P., whose difficulties with her Liverpool Exchange constituency party were described in *The Times* (London), April 29, 1955, p. 12.

themselves, "must live a life in which it is peculiarly apparent to them that the decisions are taken by other people. The man in the street may think that the ordinary member of Parliament is an important person and has power. The member of Parliament himself cannot possibly think so."<sup>8</sup> At least he cannot think himself important, according to Hollis, as he regularly joins his fellows in trooping in and out of the division lobbies in response to party orders as transmitted by the whips.

The M.P. does, it is true, receive psychological compensation from the question period in the House of Commons. Then the back-bencher has the privilege of trying to embarrass ministers (but not often if they are of his own party) by raising troublesome political and administrative questions. Also the M.P. may be flattered by the attention accorded his occasional debating speech by his audience of fellow-members and, to a lessening extent, by the quality newspapers. Both the debates and the question periods afford opportunities for M.P.s to display their own opinions, and they are also used occasionally to air the grievances of constituents.<sup>9</sup> These seem unsubstantial substitutes for the sense of power and individual responsibility which go with the quasi-independent decisions of American congressmen.

Increasingly British M.P.s are complaining about their humble individual positions. Often what is wanted is a more frequent use of the free vote—which only the leadership has the prerogative to allow.<sup>10</sup> A particularly strong argument against the subordination of the individual member to the whips was made in 1954 when the Conservative Government sought and secured parliamentary approval of the boundary changes recommended by the commission charged with drawing election constituency lines. The changes were opposed by Labor M.P.s in their voting as well as in their thinking, but many Conservatives had also made known their objections without intending to defy the government whips by voting their convictions. These individual Conservative convictions, stemming from historical devotion to old constituencies or from dislike of the frequency and method of boundary changes, were occasionally reinforced by political disadvantages which certain changes caused to incumbent M.P.s. Yet all of these reasons for objection were not enough to cause Conservative M.P.s to refrain from supporting their party's government. It was this which was called "the debasement of the position of the Private Member" by one exasperated Labor opponent—who would undoubtedly have been as debased himself if his party's government had been in an analogous situation. Actually this particular Labor M.P. was candid enough to include his own party in his broad charge against the submergence of individual

<sup>8</sup> Christopher Hollis, *Can Parliament Survive?* (London, 1949), pp. 64, 71.

<sup>9</sup> A particularly clear instance of an M.P. addressing the House on behalf of a local interest group may be found in a speech by Barbara Castle concerning the Lancashire cotton industry, 530 *H. C. Deb.* 1743-52 (July 22, 1954).

<sup>10</sup> Note the explanation by Herbert Morrison, *Government and Parliament* (London, 1954), p. 133. A free vote was allowed on the question of raising the salaries of M.P.s, 528 *H. C. Deb.* 30-158 (May 24, 1954).

convictions.<sup>11</sup> However, what is to be discussed here is not whether this submergence is to be deplored, but why M.P.s have permitted it to take place.

*Relevance of dissolution.* The first and traditional answer of political science is to point to the power of parliamentary dissolution at the disposal of the prime minister. True enough, British constitutional practice does permit the use of this power by a government which wants to establish or strengthen its legislative majority. However, this holds only for the government party. In and of itself, the power of dissolution cannot account for the fact that the opposition is almost as effectively disciplined as are members of the government party.

Indeed, it is doubtful whether the power of dissolution can in any appreciable way account for the cohesion of parliamentary parties. That power, even in the form of threat, is simply not used in order to discipline M.P.s. It was so used in the nineteenth century, when governments lacked the solid majorities which party loyalties provide today, but there is a strong *prima facie* case that dissolution became obsolete as a weapon against M.P.s precisely when they ceased to be independent followers of their leaders. Nowadays dissolution remains the government's weapon, to be sure, but a weapon to be used against the opposition. The fact that the prime minister decides when to call an election is no small party advantage. To maximize its effectiveness, a government may be expected to dissolve Parliament, not when discipline is required because its own ranks are divided, but rather when its supporters can present a united front to the electorate and, if possible, embarrass the opposition should it happen to be disunited at the moment. The dissolution and election of May, 1955 illustrate this neatly.

Nevertheless, the idea that the power of dissolution is a deterrent to revolt by the parliamentary majority remains in the vocabulary of British politics. So experienced a hand as Herbert Morrison mentions it, but adds significantly that the government "must seek to retain the support of a parliamentary majority by persuasion, goodwill, mutual understanding, and, upon occasion, must make concessions, because the consequences to itself and to its electoral support are likely to be damaging if it goes to the country with its ranks divided."<sup>12</sup> In fact, in such a situation it is likely that the party leaders who form the government have more to lose by a dissolution than have many of the back-benchers. If an open division in the parliamentary majority should damage the party's electoral chances, as Morrison suggests, then the most important result would be the loss of enough marginal seats to destroy the party majority which permitted the leadership to hold ministerial positions.

While this result is also serious for individual back-benchers who lose the marginal seats, they often have some chance (though admittedly less than that of the leaders) of obtaining new seats in by-elections. But even without such an opportunity, a defeated back-bencher has lost less by way of salary, power, and prestige than has the former minister (and certainly much less than the former prime minister). Furthermore, it must be emphasized that for the bulk of the

<sup>11</sup> Harold Lever, 535 *H. C. Deb.* 1867-71 (Dec. 15, 1954).

<sup>12</sup> Morrison, *Government and Parliament*, p. 94.

M.P.s who occupy safe seats, a general election ordinarily involves no risk at all. Sure of renomination and sure of re-election many non-ministerial M.P.s can face an election with considerable equanimity. It is hard to believe that they could be seriously threatened by a dissolution. Campaigning is probably a bore and a nuisance, but it is a three-weeks' affair and in these days not always very expensive for the candidate personally. His organization is not a personal one as the American congressman's so often is. The party, or in some cases a trade union, picks up the check and does most of the electioneering. The candidate has to make local speeches and appearances, but it must be assumed that an M.P. has a high tolerance for politicking of this sort or he would have chosen some less extroverted occupation in the first place.

In order for a dissolution to be used effectively for disciplining the majority party, the leadership would have to be willing and able to eliminate its recalcitrant M.P.s during the general election. That is, the national leadership would have to persuade constituency parties to adopt candidates who, if elected, would be more loyal and obedient than some present M.P.s. In extreme cases, individuals have been purged in this way, but only incidental to the general election. Since 1918, at any rate, no party government has called an election principally to replace some of its own M.P.s with a more loyal crop. Nor has any recent party leadership threatened, even implicitly, to operate on such a basis. On the contrary, what happens with a general election in the offing is that the party draws its own dissidents (if they are appreciable in number) closer to the fold so that the opposition may not profit by an appearance of disunity. The relationship of the rebellious Bevanites to the Labor party at both the 1951 and 1955 elections is a case in point. Although the Labor leaders disliked the Bevanites no less at election time, they did not choose to hurt their party, and thereby themselves, by attacking the erstwhile rebels during the campaign. When the Labor government called the 1951 election, it was assuredly not for the purpose of disciplining the Bevanites.

Not only does it seem unrealistic for a party leadership to seek to discipline its followers by threatening to call new elections, but it is doubtful that individual M.P.s would adhere to the party line because of any such threat. This is not to say that the prospect of elections is unimportant in influencing parliamentary parties. Ordinary M.P.s, along with their leaders, do have good political reasons for maintaining their solidarity so long as the electorate regards that solidarity as a virtue. But the unity which flows from a respect for the British belief in the value of a cohesive parliamentary party is very different from a unity inspired by a fear of the leadership's power of dissolution.<sup>12</sup>

*Isolated revolts.* Freedom of action is not much of an alternative to party loyalty in the British system. No substantial rebellion like that of the Bevanites seeks freedom of action as its end. What the Bevanites as a group want is to convert the Labor party to their policies and their leadership. For this purpose, the Bevanites sometimes find it useful to exercise more freedom than is usual within a British party. On the other hand, an individual M.P. may genuinely

<sup>12</sup> See R. H. S. Crossman's explanation for his vote in favor of the German rearmament agreement which he "passionately" opposed. 533 *H. C. Deb.* 477 (Nov. 17, 1954).

prefer to act independently of his party, but he must then be willing to enter a political wilderness. The contemporary British House of Commons has no place either for an independent (completely without formal party affiliation) or for an independent Laborite or an independent Conservative. The parties have a practical monopoly, and their hold is strengthening, not weakening. The inglorious careers of some postwar independents will illustrate the point.

Best known is the case of the four M.P.s ousted from the Labor party during the 1945-50 Parliament. All four had broken party solidarity by repeated stands in opposition to the foreign policy of the Labor government, and at least three of the four were widely believed to follow the Communist line. Undoubtedly it was the latter belief that made it feasible for the party to resort, as it rarely does, to the formal disciplinary weapon of expulsion. The four lost the official Labor designation, and (together with one earlier rebel) they called themselves "Labour Independents" and as such sought to retain their parliamentary seats in the 1950 election. Defeat was the lot of all the Labor Independents, including one, K. Zilliacus, who was personally popular in his constituency and who by 1950 was no longer accused of following the Communist line.<sup>14</sup> Nevertheless, not too much should be inferred from this very successful example of formal party discipline. Laborites as well as the Conservatives, as will be observed later, are often inhibited from conducting purges by doubts concerning the support of local constituency associations. If the relevant constituency's support is doubtful, the national leadership might want to avoid a full-fledged ouster because the price for its success might be too high in terms of local disaffection. But what the case of the Labor Independents does illustrate is the formidable difficulty which the leadership, in favorable circumstances, can raise for the purged member who tries to get re-elected without major party support.

A different kind of example is that of Ivor Thomas. The Labor party did not expel him; he resigned in 1948 because of his disagreement with the leadership. And this disagreement was related to Thomas' position to the right of the official Labor policy. There may also have been some non-ideological background to the resignation. Thomas, who had been active in the prewar Labor party, was elected to Parliament in 1942 and re-elected by the same constituency (Keighley) in 1945. In the 1945 Labor Government, he first became parliamentary secretary at the ministry of civil aviation and then in 1946 was promoted to the post of parliamentary under-secretary of state for the colonies. Since Thomas was a relatively young man, he seemed to have a bright ministerial future until October of 1947 when, during a cabinet reshuffle, he was dropped entirely from the Government.<sup>15</sup> The cause of this turn for the worse in Thomas' career is by no means clear. Nor, for that matter, is there any certainty about the reasons for Thomas' resignation from the Labor party in the following year.

The first indication Thomas gave of a public break with Labor was in a letter

<sup>14</sup> H. G. Nicholas, *The British General Election of 1950* (London, 1951), pp. 251-52. Zilliacus was later re-admitted to the Labor party and elected as an M.P. in 1955.

<sup>15</sup> *The Times* (London), Oct. 8, 1947, p. 4.

to *The Times* in mid-October, 1948. In that letter he proposed that the Labor Government abandon in the approaching parliamentary session all contentious legislation, meaning the nationalization of steel and the limitation of the delaying power of the House of Lords.<sup>16</sup> No one was surprised that the government ignored this suggestion and showed its intention, at the beginning of Parliament, to introduce the legislation to which Thomas objected. Thomas then took the floor of the House to announce his resignation from the Labor party, to attack its leadership for "a wanton and reckless act," and to declare his general objection to the socialist "concentration of power in the hands of the State."<sup>17</sup> In thus cutting himself off from the Labor party, Thomas was, in effect, surrendering a safe seat in the House of Commons. Or at least he was surrendering the seat as of the next general election. Thomas refused to comply with his constituency Labor party's request that he resign the seat immediately. But he was entirely aware that he held the seat only until the current Parliament was dissolved.<sup>18</sup>

His action in subsequently joining the Conservative party was understandable. He had obviously taken up its policy and its ideological position, and he had no political future in any other direction. As it turned out, neither did Thomas have much of a future with the Conservatives. The best that they did for Thomas was to adopt him as a 1950 candidate at Newport, in Wales, where Labor regularly had a substantial majority.<sup>19</sup> The expected defeat in the 1950 election appears to have ended Thomas' political career. In 1952 he changed his surname to Bulmer-Thomas, and under this name wrote a book on the party system.

"Crossing the aisle," as Bulmer-Thomas did is not a likely way to political survival in the present stabilized, or perhaps rigid, state of British parties. Even in times past it has been a very risky proposition, and it may have required the quality of a Winston Churchill to pull it off successfully. Today, at any rate, no M.P. concerned with his political future would risk a rebellion on the assumption that he could find a suitable place among his party's opponents. Since 1945 one can point to no instance of an M.P. who has shifted from one major party to the other and then been re-elected to the House.

Another but no more promising course of rebellion was pursued by Sir Richard Acland, also a Labor M.P., in 1955. Disturbed by religious and humanitarian scruples over his party's support of the Conservative Government's decision to manufacture hydrogen bombs in Britain, Sir Richard resigned not only from the Labor party but also from the House of Commons. It was his intention to force a by-election in his constituency of Gravesend and to stand as an Independent candidate on the issue of the hydrogen bomb.<sup>20</sup> Whatever

<sup>16</sup> *Ibid.*, Oct. 15, 1948, p. 5.

<sup>17</sup> 457 *H. C. Deb.* 108-13 (Oct. 27, 1948).

<sup>18</sup> *The Times* (London), Oct. 29, 1948, p. 4. Incidentally, the executive council of the Keighley constituency Labor party claimed that it had decided to recommend that Thomas not be re-adopted as a candidate even before his letter to *The Times*.

<sup>19</sup> *Ibid.*, Jan. 4, 1949, p. 4.

<sup>20</sup> *Ibid.*, March 12, 1955. For an excellent sketch of Sir Richard Acland, see "Bart Errant," *New Statesman and Nation*, Vol. 49, pp. 46-49 (April 2, 1955).

chance he had of winning against the Conservative and the official Labor candidates was lessened by the fact that the general election supervened before a by-election was called. Labor voters could then vote for Acland only if they were willing to split the party's strength and so help elect a Conservative majority in the House of Commons. In fact, less than one-quarter of Labor's normal electorate voted for Acland, but this was more than enough of a break in the previous Labor majority to allow the Conservative to capture the seat. More significant for present purposes, however, is that Acland ran a poor third. Thus the result demonstrated the overwhelming attraction which major party candidacies retain for the British electorate when it is faced, as it always is in a general election, with the choice of alternative governments.

So individualistic and futile a proceeding is possible only for an M.P. who, like Sir Richard, places a higher value on the display of moral righteousness than on the future of his party or his own career in that party. This personality type is rarely successful in the politics of any time or place, and its presence in contemporary British politics seems either accidental or residual. The Acland dash for freedom is hardly indicative of a course which would or could weaken the hold of the parliamentary parties on their members.

*Tolerated deviations.* Instead of being moved by principles to the point of resigning or of forcing one's party to resort to expulsion, an M.P. may occasionally take individual positions and yet remain within the fold. In the process, he probably stamps himself as unlikely material for ministerial posts and otherwise makes his party relationships difficult. But still both parties do tolerate some deviations or eccentricities. They almost have to make some allowance for an odd quirk here and there. Otherwise party unity would be a good deal more brittle than it is in fact. The Labor party goes so far as to formalize its toleration in a standing order which "recognizes the right of individual Members to abstain from voting on matters of deeply held personal conscientious conviction."<sup>21</sup> In practice, abstention has been allowed on issues touching the pacifism or the alcoholic temperance of Labor members.

Without so explicit a provision, the Conservative party nevertheless tolerates an occasional deviation more complacently than does Labor. Perhaps this is because the Conservatives have less reason to fear open rebellions and because they have fewer habitual or congenital non-conformists in their ranks. One of the most interesting cases is that of Lord Hinchinbrooke. Never the most orthodox of Conservative M.P.s and fortified in his individuality by a distinguished ancestry, Hinchinbrooke openly took issue with his party's government in 1952. For rather special reasons, he announced during the Commons debate on the German peace treaties that he would abstain from voting in support of the German rearmament, to which his Conservative Government and party were committed.<sup>22</sup> However, then and subsequently, Hinchinbrooke remained a loyal member of the Conservative parliamentary party. His personal deviation would have been almost unnoticed except for the fact that the executive council of his constituency association was sufficiently aroused by

<sup>21</sup> *53rd Annual Report of the Labour Conference* (1954), p. 202.

<sup>22</sup> 504 *H. C. Deb.* 1905-13 (Aug. 1, 1952).



Hinchingsbrooke's defiance of the national party to attempt, unsuccessfully, to initiate a purge.<sup>23</sup>

A more substantial deviation tolerated by the Conservative Government was that of the "Suez group" in 1954. The background for the incident was the widespread unpopularity within the Conservative party of the Government's plan to evacuate Britain's Suez canal base. For many back-benchers the plan represented another detested step in "scuttling the Empire." While the great majority of Conservative M.P.s did finally accept the cabinet's policy, there were about 40 who voiced open objections. Twenty-six of the 40 went so far as to vote against their government when the Suez evacuation agreement was presented to the House of Commons.<sup>24</sup> But except for one M.P. who temporarily resigned from the party; neither the back-benchers concerned nor the party leadership took any overt action. The loss of 26 votes happened to be something which, in the circumstances, the Conservative Government could afford. Although its majority over the opposition was still very narrow in 1954, the government knew that on the Suez issue the 26 Conservative rebels would be voting alone. Labor was thoroughly committed to evacuation and could not reasonably vote against the evacuation agreement. Thus the Suez group of M.P.s could deviate without risk of bringing the government down.

Yet this type of deviation must remain occasional, or even rare, if it is to be tolerated at all. Repeated breaks in party solidarity would give public notice of a disunited party which lacked the capacity to govern. This is the kind of reputation that British parties generally, and their leaders in particular, seek to avoid.

*General perspective.* What emerges from this review of some exceptional cases is not just that an individual M.P., or a group of M.P.s, may survive an infrequent deviation from a party position, but more significantly that survival is dependent on remaining within the bounds fixed by the party. Rebel M.P.s have not operated successfully either by asserting a full-fledged independence or by joining the opposing party. Remaining within the fold is all-important, and this requires a course defined by the party. It is not enough for an M.P. merely to declare that he is of a given party and then vote as he pleases. Exactly how far an M.P. can deviate from the line of his parliamentary party and yet remain a member depends on his personality, the particular constituency association, the significance of the issue, and the party to which he belongs. But, in general, there is no doubt that an individual's own convictions are ordinarily expected to yield when at variance with the position of the parliamentary party.

<sup>23</sup> The executive council did adopt a resolution of no-confidence in its M.P., but Hinchingsbrooke saved himself by getting a general meeting of the constituency association to overrule the executive council. This was a very considerable achievement, attributable to a unique personality in a largely rural constituency, and it is doubtful whether many other M.P.s could similarly survive after offending both national and local leaders. Hinchingsbrooke's constituency troubles were related in *The Times* (London), Oct. 6, 1952, p. 2; Oct. 13, 1952, p. 3; and Oct. 31, 1952, p. 6.

<sup>24</sup> 331 *H. C. Deb.* 495-504 (July 28, 1954), 724-822 (July 29, 1954).

## II. THE LIMITATIONS OF DISCIPLINE

The power of a parliamentary party to remove a rebellious member from its ranks is real enough, and in the Labor party the procedure for doing so is most specific.<sup>25</sup> But whether the possession of this power is the crucial element in maintaining cohesion is most doubtful. Obviously, expulsion can be effective only insofar as a party values its solidarity enough to countenance such drastic discipline. Therefore, even if expulsion (or threat of expulsion) were to be regarded as the decisive weapon, the explanation for its effectiveness would lie in the nature of the party loyalty which supported its use rather than in the nature of the weapon. The fact is, however, that such drastic discipline is very limited in its applicability. The Conservatives can hardly be said to expel, or threaten to expel, any of their M.P.s. And the recent experience of the Labor party indicates that withdrawal of the parliamentary whip is reserved for isolated and extreme cases involving no more than about a half-dozen M.P.s at a time, and that actual expulsion from the external organization (which prevents campaigning as an official candidate) is even rarer. The limited scope and efficacy of the formal disciplinary weapon is illustrated by two well-publicized breakdowns in Labor unity, one over German rearmament and the other concerning Aneurin Bevan personally.

*German rearmament.* This issue requires some explanation of its background in Labor party affairs. Before Labor's defeat in the 1951 election, the party's government had indicated its agreement, quite possibly under American pressure, to the proposal to arm West Germany within the framework of European defense. At that time, however, German rearmament had not yet emerged as a prominent subject of controversy. Only after the Conservatives were in office, in mid-1952, was an actual rearmament agreement (the ill-fated European Defense Community) submitted to Parliament. By then Labor's general doubts, plus Bevanite agitation, were sufficient to cause the party leadership to oppose approval of the treaties providing for German rearmament unless certain "conditions," among them another attempt to negotiate with the Russians over Germany, were first fulfilled.<sup>26</sup> Thus any parliamentary revolt within the Labor party was avoided. Neither Bevanite nor non-Bevanite opponents of German rearmament had anything to revolt about on this occasion. The whole party could follow its leadership in voting against German rearmament—even if the leadership's reasons for opposition were different, and less fundamental, than those given by the left wing.

If other European parliaments had moved as rapidly in approving the European Defense Community as did the British Parliament, with its Conservative majority, the Labor party might have been saved a great deal of

<sup>25</sup> The Labor party's disciplinary procedure is established in its Standing Orders. The parliamentary party has the power to withdraw the whip. The National Executive Committee (of the external Labor organization) is to be informed of such action and to decide whether expulsion from the party as a whole is appropriate. *53rd Annual Report of the Labour Conference* (1954), p. 202.

<sup>26</sup> 504 *H. C. Deb.* 1699-1840 (July 31, 1952) and 1869-1960 (Aug. 1, 1952).

agony. But with German rearmament unsettled for so many years, Labor could not very well avoid a showdown. Through 1953 the party leadership was able to cover the rift in its ranks on the basis of a conference resolution that "there should be no German rearmament before further efforts have been made to secure the peaceful reunification of Germany."<sup>27</sup> This resolution did not suffice as a compromise after the Berlin meeting of early 1954, when Western ministers actually met with the Russians in the requisite effort "to secure the peaceful reunification of Germany." The failure of that effort caused the Labor leaders to assume, quite logically, that they were now under an obligation to accept German rearmament within a Western defense organization.

The problem was to obtain party support for this position. And on this score, Clement Attlee, as party leader, encountered difficulties at the outset. His resolution in behalf of German rearmament was approved by so narrow a margin (less than 10) in the parliamentary Labor party that it was obviously difficult for Attlee to unite his followers for any vote in the House itself.<sup>28</sup> The Executive Committee of the external Labor organization was also closely divided on the issue.<sup>29</sup> Plainly there was not enough wholehearted Labor support for German rearmament to counter both the outright left-wing opposition and the widespread non-ideological misgivings within the party.

The leadership's difficulty was compounded by the French Parliament's rejection of the European Defense Community and the subsequent development, in 1954, of the Paris Agreement as an alternative means of rearming the Germans. This meant that the issue of German rearmament would again be presented to the British Parliament. While approval by the Conservative majority could be assumed, the parliamentary Labor party would nevertheless be expected to take a united position, which at this issue it found so hard to achieve. Much of the disunion to be expected in the parliamentary party was foreshadowed by the debate at the Labor conference in the early Fall of 1954. Attlee's very conciliatory statement indicating support for German rearmament won the conference's approval by the barest of margins—3,270,000 to 3,022,000.<sup>30</sup> This paralleled the slender majority in favor of German rearmament within the parliamentary ranks, and indicated that the rift was substantial in both organizations.

The anticipated showdown came in November, 1954, when the Conservative Government asked the House to approve the policy of the Paris Agreement (of that October). Until nearly the last moment, it was assumed that the Labor leadership would impose its desire for an affirmative vote on the parliamentary party as a whole. There was no doubt that the top leaders themselves were convinced by the case for German rearmament, and that they were supported by a majority of Labor M.P.s who outvoted 71 opponents in a party

<sup>27</sup> *52nd Annual Report of the Labour Conference* (1953), p. 151.

<sup>28</sup> *The Times* (London), Feb. 24, 1954, p. 8.

<sup>29</sup> *Ibid.*, Feb. 25, 1954, p. 6.

<sup>30</sup> *53rd Annual Report of the Labour Conference* (1954), pp. 92-108.

meeting which "accepted" the Paris Agreement. However, rather than risk many defections in an open parliamentary division, the leadership decided that Labor should not vote at all in the House of Commons. By making abstention on the Paris Agreement the official party line, Labor would at least save itself the embarrassment of having little more than half of its members in the "Aye" column and some of the others defying the leadership by voting "No." Labor's face could not be fully saved, since its general abstention policy was itself a patent confession of an inability to unite on any positive position. But this would not look so bad, it was calculated, as a split between two division lobbies.

Consequently Attlee, among others, accepted the anomaly of speaking in favor of the Paris Agreement and yet not voting for it. And Aneurin Bevan, for example, spoke against the Agreement and also abstained. But there were seven Labor M.P.s who refused to find unity in abstention.<sup>31</sup> One of these, John McGovern, was a supporter of German rearmament and did the completely unexpected by joining the Conservatives in voting "Aye." He had, as he is supposed to have said, the strength of Mr. Attlee's convictions. The other six rebels were bitter-end opponents of German rearmament, for pacifist or other reasons, and they insisted on voting "No" instead of abstaining. Clearly all seven had exposed themselves to party discipline because, even if motivated by pacifist convictions, they could not claim that such convictions entitled them, under Labor's Standing Orders, to vote against the party's collective decision to abstain. The most that the party conceded to pacifist scruples was the right to refrain from voting altogether when Labor supported an arms program. In the present circumstance, it was hard to see how the parliamentary party could avoid disciplining the seven rebels if its authority to discipline was ever to have significance. And the understandable reluctance to deal with the special case of McGovern became submerged in the political necessity of treating all rebels alike.

The Labor whip was withdrawn from the seven M.P.s almost immediately, but this comparatively mild action was upheld by a parliamentary party vote of only 131 to 93.<sup>32</sup> The sizable opposition to discipline, plus the fact that 70 or so Labor M.P.s did not vote at all in the party meeting, indicated a high degree of sympathy for the six opponents of German rearmament. This sympathy, or agreement with the six, was so great that many Labor M.P.s obviously wanted no discipline at all. Yet the consequences of withdrawing the whip were really not very serious for the rebels. All had already so established themselves as mavericks that they could hardly have been entertaining any ministerial ambitions. And so long as they were not ousted from the external Labor party organization they could be readopted as official party candidates for Parliament. About all they lost because of the withdrawal of the whip were the privileges of attending parliamentary Labor party meetings and of receiving information on how to vote in parliamentary divisions. Two of the

<sup>31</sup> 533 *H. C. Deb.* 695-96 (Nov. 18, 1954).

<sup>32</sup> *The Times* (London), Nov. 24, 1954, p. 8.

rebels also lost their places, as Labor members, on Select Committees of the House, but these places involved only interesting duties and not power.<sup>32</sup>

What seemed really significant about Labor's handling of the seven rebels was the absence of anything like substantial punishment. This cannot be explained entirely as a matter of soft-hearted goodwill on the part of the leadership. The rebels (or at least six of them) represented so popular a point of view that their punishment almost had to be limited. Not only did the six rebels have considerable support within the parliamentary party; they also had the sympathy of a very large section of the external party. At least three of the six opponents of German rearmament received specific assurances of support from their own constituency associations.<sup>33</sup> And there was every reason to believe that the other three did not lack such support. In the face of this, the Labor leadership, even if it wanted to go further, could hardly manage a successful purge of the rebellious M.P.s without alienating or splitting the local organizations in such a way as to lose the constituencies altogether at a general election. It was manifestly impractical to try to read out of the party those who rebelled for what at least half (and perhaps more) of the rank-and-file zealots regarded as good and sufficient reasons. Therefore, it was understandable that only three months after its disciplinary action, the parliamentary party restored the whip to all seven M.P.s.<sup>34</sup> In effect, then, the Labor party had done no more than lightly slap the wrists of its rebels.

*The case of Aneurin Bevan.* The frustration of Labor's leadership was even more evident in the abortive effort to discipline Aneurin Bevan in 1955. As the leader of a fairly well-defined faction which had openly disagreed with official party policy off and on since 1951, Bevan had more than once given his right-wing opponents cause to seek his ouster. Finally during a parliamentary debate on defense in March, 1955, Bevan exposed himself in a way that seemed to afford an especially propitious opportunity for disciplinary action against him. The particular issue concerned the Conservative Government's motion to approve its policy of British manufacture of hydrogen bombs. The parliamentary Labor party had followed its leaders in agreeing in general to this policy and in submitting an amendment which did little more than object to the way in which the Conservatives were administering the defense organization.<sup>35</sup> But it was hardly surprising that Bevan and most of his followers found fault with the position adopted by a majority of their fellow Labor M.P.s. During the debate, Bevan himself showed that he was dissatisfied with both the government statement and the Labor amendment because they failed to make clear that nuclear weapons were to be confined (as he preferred) to retaliation against

<sup>32</sup> Nevertheless, the exclusion of the rebels from essentially non-party posts does illustrate the domination of the parliamentary machinery by the party whips. 536 *H. C. Deb.* 802-54 (Jan. 31, 1955).

<sup>33</sup> *The Times* (London) carried stories about favorable constituency resolutions concerning Victor Yates (Nov. 29, 1954, p. 5), Ernest Bennet (Dec. 13, 1954, p. 4), and George Craddock (Dec. 14, 1954, p. 4).

<sup>34</sup> *Ibid.*, Feb. 25, 1955, p. 8; March 11, 1955, p. 3.

<sup>35</sup> 537 *H. C. Deb.* 2066 (March 2, 1955).

the kind of aggression which itself employed such nuclear weapons. Also he repeated the familiar Bevanite demand for a policy that emphasized peaceful negotiations with the Soviet Union.<sup>37</sup>

These statements by themselves would not have been enough to expose Bevan to the full wrath of the leadership. He was not alone among Labor M.P.s in raising such objections during the course of the debate. And Bevan did not go so far as the Labor member who was against British manufacture of hydrogen bombs in any circumstances. But Bevan committed a less pardonable act against the party leadership when he openly challenged Clement Attlee during the latter's speech. Bevan addressed Attlee, as though he were questioning a Conservative opponent, to ask—or very nearly demand—that his leader explain whether the official Labor amendment meant support for the use of “thermo-nuclear weapons in circumstances of hostilities, although they were not used against us.” Incidentally, Attlee gave no specific answer to the question, and no doubt he thought it odd as well as rude that another Labor M.P. should seek to embarrass him in this way.<sup>38</sup> This was much more flagrant disrespect for party authority than was the behavior of Bevan and 61 other dissidents when they abstained from voting on the Labor amendment.<sup>39</sup> However great the latter offense, it could not effectively be punished anyway. Sixty-two rebels were too many to discipline.

Aneurin Bevan himself seemed to be another matter. His offense against Attlee was singled out for discipline even though it was appreciated that Bevan had spoken the sentiments of his followers and perhaps of some others as well. The apparent objective was to try to separate Bevan from the lesser rebels on the basis that his offense was of a special nature. Within a week of Bevan's “insult” to Attlee, it was known that Labor's shadow cabinet was going to recommend that the parliamentary party withdraw the whip and that this was considered only a prelude to Bevan's eventual ouster from the party at large. The withdrawal of the whip did take place after a week's delay occasioned by Bevan's influenza. However, by this time it was clear that any thoroughgoing discipline of Bevan would be achieved at a very high cost. The parliamentary party voted for withdrawing the whip by the margin of 141 to 122, and defeated a milder substitute resolution of censure by the still narrower vote of 138 to 124. Even these marginal victories might have been impossible if Attlee had not gone so far as to announce that he considered the votes to be questions of confidence in himself as leader.<sup>40</sup>

Attlee now appeared unwilling to push such questions of confidence any further and to be looking for some kind of compromise with Bevan. Indeed,

<sup>37</sup> *Ibid.*, cols. 2116–22.

<sup>38</sup> *Ibid.*, col. 2176. Attlee's discomfiture was indicated by the first sentence of his response: “My right hon. Friend is asking me that question.”

<sup>39</sup> The number of abstainers is arrived at by noting Labor M.P.s who *did* vote against the government's motion but who did *not* vote for the official Labor amendment. *Ibid.*, cols. 2189–2200. For a refinement introduced into this method of calculation, see the *Manchester Guardian Weekly*, March 10, 1955, p. 5.

<sup>40</sup> *The Times* (London), March 17, 1955, p. 6.

earlier there were rumors that Attlee had been persuaded, against his own inclination, to support the ouster because it was favored by his right-wing lieutenants and by the principal trade unionists. At any rate, when the National Executive of the external Labor party first met to consider what it ought to do about Bevan after the parliamentary party's withdrawal of the whip, Attlee (an *ex officio* member) succeeded in amending the right-wing's expulsion motion so that before any action was taken a special committee would meet with Bevan to seek assurances as to his future conduct. Among other reasons for this conciliatory step, it is significant that Attlee and his supporters "pointed to the effect which his expulsion would have on the constituencies. . . ."<sup>41</sup> This was recognition of the considerable sympathy which had already been aroused in Bevan's behalf by the action initiated against him and of the unpleasant consequence of further alienating large numbers of Labor militants by expelling their champion. That consequence might ordinarily have been accepted, but in the Spring of 1955, with a general election anticipated, there was an urgent political reason to mend party fences. Thus the National Executive, despite its clear anti-Bevanite majority (like that of the parliamentary Labor party), adopted the tactics of conciliation rather than discipline. The great purge of Aneurin Bevan was called off.

All that Bevan had to do was to state to the Executive's special committee that during the intra-party discussion (which he regarded as entirely legitimate) he had not intended to "create difficulties for Mr. Attlee" or cause him "embarrassment in his position as the leader of the party." If, Bevan added, "my actions or speech could lend themselves to the interpretation that such was my motive then I am sincerely sorry and I apologize to Mr. Attlee for any pain I may have caused him. I ask for nothing more than the opportunity to serve our party under his leadership."<sup>42</sup>

This was neither a straightforward confession of wrong-doing nor much of an assurance that Bevan would trim his future conduct to the wishes of the party leadership. Whatever prestige the National Executive could now maintain had to be asserted in its own resolution rather than in anything it obtained from Bevan. Over the opposition of seven Bevanites, or pro-Bevanites, on the Executive, a majority of 16 supported an unusually sharp resolution approving the withdrawal of the whip by the parliamentary party. And the Executive warned that it would take "drastic action against future violations of party discipline."<sup>43</sup> The right-wing might take some comfort from these strong words, but Bevan's supporters had more cause to feel that the triumph was theirs. The Bevanite paper ran its story of the affair under the headline, "The Plot that Failed," and claimed that expulsion was halted because the "protest against this step had been so strong that those who started on this mad manoeuvre have been compelled to beat a retreat."<sup>44</sup>

<sup>41</sup> *Ibid.*, March 24, 1955, p. 8.

<sup>42</sup> *Manchester Guardian Weekly*, April 7, 1955, p. 2.

<sup>43</sup> *Ibid.* "Tribune", April 1, 1955, p. 1.

One does not have to accept the view that expulsion was a "mad manoeuvre" in order to agree that the Labor leadership had beat a retreat. Whether the leadership was compelled to do so is a nice question of language. Certainly Attlee found it expedient to persuade his cohorts to stop short of the expulsion which seemed to have been the original intention. He did not persuade all of the leadership that retreat was necessary, but he secured the requisite majority. The leadership's retreat became complete late in April, when the parliamentary party restored the whip to Bevan. The rebel had suffered no more than a month of partial banishment from Labor councils. No doubt the speed with which Bevan was restored to parliamentary Labor status owed a great deal to the scheduling of the general election for May. Labor meant to present the voters with as much appearance of unity as it could muster.

*Implications for unity.* These two instances, involving German rearmament and Aneurin Bevan himself, do not indicate that formal party discipline is altogether useless. Its effectiveness with respect to relatively isolated rebels was previously observed. But it is apparent that the efficacy of discipline is decidedly limited when a party's leadership, though backed by a majority, is faced with parliamentary dissidents representing a substantial body of opinion. This is another way of saying that when there is a real and continuing factional division, the leadership cannot compel obedience. The Labor party has happened to have such a division, and the right-wing majority has lacked the means of bending the left to its will. The nearest thing to a solution—arrived at for the sake of appearances—has resulted not from the use of disciplinary weapons, but rather from statements of policy that make sufficient verbal concessions to the left without abandoning the substance of the leadership's position.

Perhaps the Labor rifts which party discipline has been incapable of resolving may be taken to mean that Labor no longer has the degree of solidarity supposed to characterize a British party. That interpretation, however, seems unwarranted. For one thing, the cases of German rearmament and of Aneurin Bevan are really exceptions, though significant ones, to the day-by-day parliamentary unity which Labor displays on almost all issues. And, secondly, the important breaks in the party's voting have come only during a period of opposition. It should be stressed that the Bevanites, whose policy differences with the Labor leadership were manifested in April, 1951, never voted against their party majority so long as Labor constituted the government. Of course, it is true that parliamentary disunity even in an opposition party is regarded as outside the regular scheme of things. And, most relevant to Labor's situation, disunity openly displayed is considered damaging enough to the party's cause so that the leadership seeks compromises which the dissidents can accept. Such compromises, it ought to be added, almost have to be sought if Labor is to be counted as an effective political force. Factional voting, by Bevanites no more than by others, can hardly be accepted as normal in the way it so often is by American congressional parties.



## III. GENERAL OBSERVATIONS

The import of this study is that there appear to be no British party devices which provide a sufficient explanation of parliamentary cohesion. In the absence of such an explanation, it is tempting to turn to general features of the national setting for an understanding of why British parties are more cohesive than American. At least, it is possible to offer some suggestions.

*First*, there is the nature of the British constitutional system. While parliamentary government has itself been continuously shaped by the parties, the basic conception of executive responsibility to Parliament antedated modern parties and provided the constitutional mold in which these parties have operated. As we now know them, British parties developed around the principle of securing a legislative majority in order to gain control of the executive. Parliamentary parties were not always as cohesive as they are today, but their growing sense of unity in the last century has been conditioned by the desirability of such unity for the maintenance in office of an increasingly important executive authority. The British constitutional system adds to the importance of cohesiveness in a parliamentary party (or as we might say of "party responsibility") in a way that the American Constitution, with its separation of powers, does not. To be sure, there is some political advantage to be gained by an American party, be it a majority or a minority, in maintaining a high degree of solidarity among its legislators, but the stimulus is not nearly as great as it is for a British party, which *must* maintain its solidarity if it is to govern at all, or claim to be able to govern.<sup>45</sup> In this circumstance, it is understandable that cohesion has been made a political virtue.

Another consequence of the British constitutional system which bears on the maintenance of party solidarity is the concentration of power and prestige in ministerial offices. Without the important congressional committee positions which, under the American separation of powers, are awarded independently of executive authority, the British M.P. who is interested in political promotion has to concentrate on obtaining one of the ministerial positions at the disposal of the party leadership when it constitutes the government. This provides a strong personal incentive for some members to demonstrate their party loyalty, although it cannot account for the equally strong loyalty of other M.P.s who, because of advanced age or temperament, are unambitious for ministerial offices.

*Second*, some attention ought to be given to the "nationalization" of British politics, and thus to the fact that M.P.s are not expected to vote in response to the pressure of their local constituents. Although conceding that the parties themselves, once established nationally, have played a role in subordinating local issues and interests, it seems more plausible to stress the importance of Britain's relative smallness and homogeneity in facilitating the centralization, not only of governmental authority, but also of political parties. In Britain, party

<sup>45</sup> Compare the view of American politics expounded by D. W. Brogan. He holds that the United States Constitution is designed to make difficult an effective (that is, a unified) party system. *Politics in America* (New York, 1954), pp. 91-94.

centralization appears to involve the subordination of a less substantial diversity of interests than would be the case in the United States. Parliamentary representatives, in accepting their party's national positions, do not have to run counter to a strong political localism and regionalism which, despite our growingly pervasive industrialism, remain matters of American tradition and habit. And, of course, the British do not have power centers comparable to American states.

The effective freedom of the M.P. from his own constituents may also be facilitated by the fact that British politics have remained largely uninfluenced by the conceptions of direct democracy, whose impact on American parties was so overwhelming in the Jacksonian era and again in the progressive period of the 1900's. Subjecting representatives to the vicissitudes of the direct primary, to take a leading example, has never appealed to the British. Nor have other aspects of American-style direct democracy made much headway against Britain's residual respect for a governing class especially trained for public life. It seems, therefore, that there may be less localism in British parliamentary voting not only for geographic reasons, but also because of a different attitude toward the relationship of the representative to the popular will.

*Third*, there is the possibility that cohesive parliamentary parties have resulted, in part, from an ideological division which has been assumed, at least until recently, to be much sharper in British politics than in American. If this assumption is warranted, it can be argued that an M.P. would be restrained from joining the parliamentary opposition on any given issue by a loyalty to his party more deep-seated than that felt by an American congressman. For an M.P. to desert his party might seem nearly equivalent to deserting his class. Ordinarily this kind of class-conscious politics is attributed to the rise of the Labor party, and so indirectly to the factors which have produced a large-scale socialist movement in Britain but not in the United States.<sup>46</sup> But it should be noted that British parliamentary parties were already more cohesive than American before Labor became a major political force. The most that might be said is that the solidarity of parliamentary parties has increased since the development of the Labor party.

All three of the above observations, it may be granted, are mainly speculative as to the cause of the relatively high cohesion of British parliamentary parties. Each observation involves general historical and social circumstances about which it is difficult to be definitive. What remains to be pointed out is that insofar as such broad environmental explanations are accepted, there seems little likelihood that American legislative parties can be made to resemble their British counterparts. Unlike devices of party organization, the conditioning factors of constitutional tradition, political history, geography, and socioeconomic background cannot be recommended for another country.

<sup>46</sup> The significance of this difference is discussed in the article on British mass parties referred to in note 5.

## CASTE AND THE ANDHRA COMMUNISTS\*

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The primary raw material of Communist power in economically less developed regions of the world is neither the landless peasant with outstretched rice bowl nor the intellectual in search of a cause. Even more basic than these frequently summoned symbols, the *realpolitik* of social tensions determines political events where economic scarcity aggravates the particularisms dividing man from man.

This contention gains strength from a study of Communist fortunes in a representative Asian setting. With little or no industrial economy to ease population density and underemployment, Andhra State on the southeast coast of India bears the familiar marks of Asian poverty. Here has emerged the most successful regional Communist movement in India. Yet the explanation for Andhra Communist strength does not lie in economic factors. The postwar decade in Andhra demonstrates that social factors can relegate even unusually powerful economic factors to a position of secondary importance.

A comparative analysis spanning three elections in Andhra shows that Communist success has depended primarily on the effective manipulation of social tensions. In Andhra these tensions have been twofold: the rivalry between two rising peasant proprietor caste groups, and the struggle of all Andhra, a Telugu-speaking region of 20,507,801 people, to win linguistic identity as a separate province within the Indian Union. Communist candidates have won their margins of victory most often when they have been able to exploit allegiance to caste and to language region. They have made the most of economic despair, signs of decay in the governing Congress party, and the reflected glory of international communism, but these alone do not get to the bottom of the Communist roots in Andhra soil.

The present study seeks to establish the crucial importance of caste manipulation as a source of Andhra Communist strength.<sup>1</sup> This is not to say that Communists monopolize exploitation of caste. Inevitably the institution of caste, so peculiarly integral to all Hindu social organization, pervades the entire political system in predominantly Hindu India. Whether caste in India lends itself more readily to political manipulation than do social factors elsewhere has not yet been explored. But Hindu caste discipline clearly wields a measure of political influence in India that cries for serious study. While the non-Hindu

\* The field research for this study was conducted during the author's three years in India as Associated Press correspondent, 1951-54. Research was completed as a consultant to the Modern India Project, University of California (Berkeley). Statistical data were compiled with the assistance of the Littauer Statistical Laboratory, Harvard University, where the author was a Nieman Fellow in 1954-55.

<sup>1</sup> A forthcoming full-length study by the author to be published by the Modern India Project, University of California (Berkeley), seeks to analyze the challenge presented by regional particularisms throughout India to the development of Indian nationalism.

who presumes to assess this influence cannot escape his own limitations as an outsider, he sees at the same time that those in the fold who could speak with greater authority rarely do so by the very fact of their personal position.

As an example of Hindu caste discipline in political motion, the postwar decade in Andhra merits special attention. Caste has played so fundamental a role during this period that this examination becomes in effect a case history in the impact of caste on India's representative institutions.

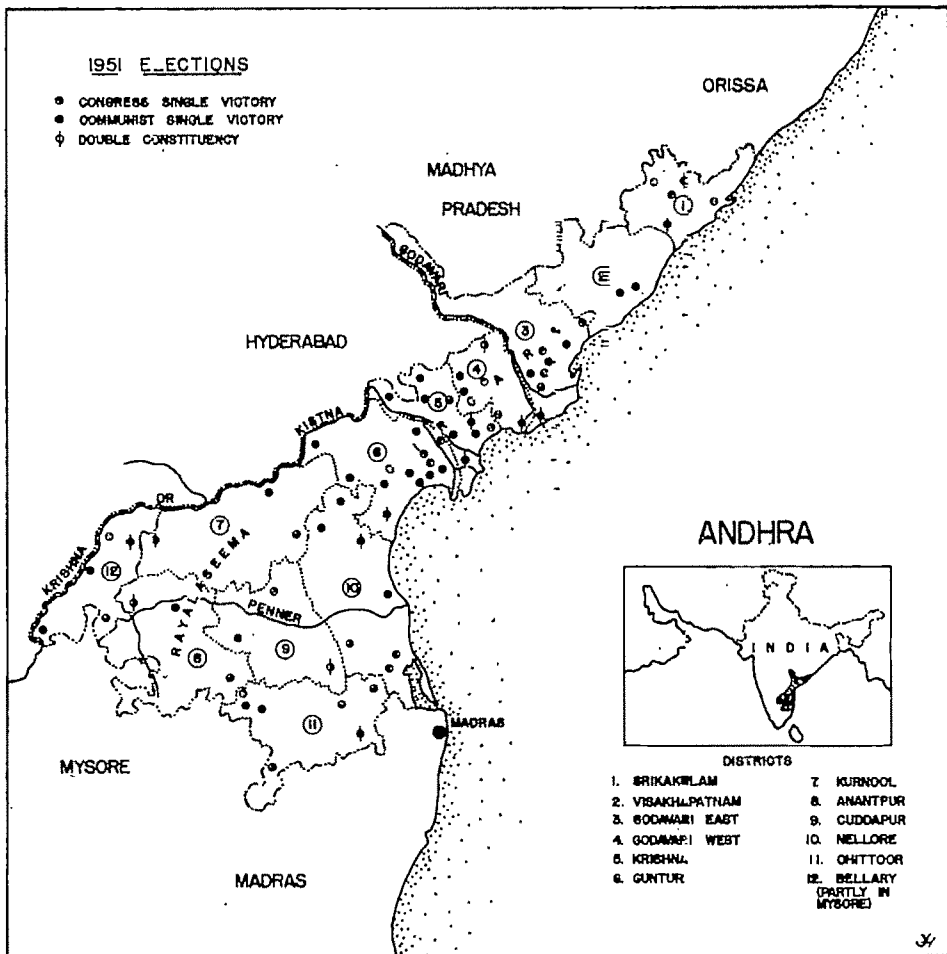
The accident of three free elections within a decade in Andhra—1946, 1951, and 1955—makes Andhra a uniquely convenient unit of study. The first of these elections came only a year before independence. The British Indian regime conducted a limited franchise ballot to choose provincial legislatures which, in turn, named the constitution-writers of India's first Constituent Assembly. By 1951, Prime Minister Nehru's government had launched nationwide direct elections on a basis of general adult franchise to select new members both of the lower house of the Indian Parliament and of state assemblies. The 1951 balloting set a relatively stable political pattern throughout India, with the notable exceptions of Andhra, Travancore-Cochin, and the Patiala and East Punjab States Union (PEPSU).

In the case of Andhra, the legislators elected in 1951 were seated alongside deputies speaking Tamil, Malayalam, and Kannada, in the legislature of multilingual Madras State, a sprawling political Babel carved out by British map-makers with little regard to south India's cultural differences. It was only after Potti Sriramulu, a prominent Gandhian advocate of provincial autonomy, fasted unto death in 1952 that the Nehru government demarcated Andhra as a separate state. When the new unit was inaugurated in October, 1953, the 160 Telugu members of the Madras legislature, including a 41-member Communist bloc, became the new Andhra legislature. A Congress cabinet took office, but factionalism within and Communist harassment from the outside brought its collapse on a no-confidence motion by November, 1954. New elections had to be conducted in February, 1955, the third in less than ten years.

For all Andhra political groups, this decade of near-deadlock was a rigorous exercise. Where else in Asia has a major Communist bid for power faced so intensive a testing process at the polls? Moreover, the checkered course of Andhra Communist strategy during the period under study enhances the significance of this examination. For the primacy of caste and language manipulation in Andhra Communist success has persisted through the gamut of a wartime united front, four bloody guerrilla years, and the present parliamentary phase of Indian communism.

By focusing on caste and language it is possible to discover why the Andhra Communists, while successively increasing their popular vote from 258,974 (on a limited franchise in 1946) to 1,208,656 (1951) to 2,695,562 (1955), were able to win a significant number of seats in the legislature only in 1951. To add to this seeming discrepancy, not only did the popular vote increase—it increased without disturbing the localized concentration of Communist power.

In all three elections Andhra communism demonstrated its greatest strength



in the fertile rice delta where the Krishna and Godavari rivers empty into the Bay of Bengal. Contrary to the theme that poverty above all breeds communism, arid Rayalaseema in west Andhra has consistently failed to produce a significant Communist response.

#### I. "KULAK PETTAMDAR"

To find the keys to this puzzling situation it is necessary first to establish the major caste contours of the Andhra political landscape. As the Indian government's recent report on rural credit warned:

It is necessary to place the operational picture against the social background of rural India. This is more important than almost anything else for a true understanding of the working of rural credit, cooperative, governmental, or other, just as indeed it is also indispensable for the proper appraisal of the effects of any particular measure of policy or

legislation or administration as they shape themselves, or sometimes fail to take shape at all, in the actualities of the Indian village.<sup>2</sup>

In the case of the Andhra Communists, the effective use of caste does not arise full-blown out of a bottomless tactical armory but rather out of the caste homogeneity of the Andhra Communist leadership itself. Since the founding of the Andhra Communist party in 1934, the party leadership has been the property of a single subcaste, the Kammas landlords, who dominate the Krishna-Godavari delta.<sup>3</sup> This fact carries enormous importance in view of the rising influence of the Kammas in Andhra life. The war and postwar years were a boom period for the Kammas farmers,<sup>4</sup> who own an estimated 80 per cent of the fertile delta land.<sup>5</sup> High prices for both food and cash crops made many Indian peasant proprietor castes newly rich, but for the Kammas, presiding over land as productive as any in all India, the boom was especially potent.

Kamma funds have made the Andhra party better able to support itself than any other regional arm of Indian communism. In fair political weather or foul a virile, expensively produced Communist press in Andhra's Telugu language has been kept alive by a Kamma publisher, Katragadda Rajagopal Rao,<sup>6</sup> whose family also operates one of India's largest Virginia tobacco plantations and virtually monopolizes the fertilizer market in Andhra.<sup>7</sup> As "the people who count"<sup>8</sup> in the villages of the delta districts, even relatively modest Kamma landholders have been in a position to put decisive influence on the side of the Communist party.<sup>9</sup>

Aruna Asaf Ali, a member of the Indian Communist Central Committee, has said that "a distinguishing feature of the Andhra party is its social content. The rural intelligentsia [numerically stronger and politically a great deal more mature than in the rest of India] has provided the party with a leadership that

<sup>2</sup> *All-India Rural Credit Survey*, Vol. 2: *General Report* (Bombay, 1954), p. 54.

<sup>3</sup> G. S. Bhargava discusses this in *A Study of the Communist Movement in Andhra* (Delhi, Siddhartha Publications, 1955), pp. 2, 14, 22-34; see also K. B. Choudary, *A Brief History of the Kammas* (Sangamjagarlamudi, Andhra: published by the author, 1955), pp. 98, 123.

<sup>4</sup> Choudary, *A Brief History of Kammas*, p. 124, notes that "the Second World War and the years that have followed have once again seen rocketing of the prices of paddy, pulses, turmeric, tobacco, and fruits. These have been very prosperous years for agricultural communities like Kammas."

<sup>5</sup> This is the private consensus of members of different Andhra castes. No official figures exist showing caste land ownership in Madras.

<sup>6</sup> Katragadda Rajagopal Rao's role is noted in "The Future of Andhra," *Thought* (New Delhi), Oct. 3, 1953, p. 4.

<sup>7</sup> The holdings of the six Katragadda brothers are described in P. C. Joshi, *Among Kisan Patriots* (Bombay, People's Publishing House, 1946), p. 4. This pamphlet reviews the Vijayawada, Andhra, session of The All-India Kisan Sabha.

<sup>8</sup> Kamma status in the delta is so described in "How Red is Andhra?," *The People* (pro-Congress weekly, New Delhi), March 4, 1952, p. 8.

<sup>9</sup> For an excellent description of the manner in which a dominant caste can mold village behavior, see *All-India Rural Credit Survey*, pp. 56-58.

knows its mind and is unmistakably competent."<sup>10</sup> Three wealthy Kamma intellectuals have maintained for at least the past 15 years key control of the Andhra Communist party: party secretary Chaudrasehar Rao, former national Indian Communist party secretary Rajeshwar Rao, and M. Basava Punniiah, a member of the Indian Communist Central Committee.<sup>11</sup> As a result, an Andhra Communist dissident has coined the epithet *kulak pettamdar* to attack the Andhra leadership, coupling the Russian word for rich peasant with the Telugu word for head of a caste or tribe.<sup>12</sup>

In sharp contrast to Kamma control of the Communist party, stands the power of the rival landowning Reddi caste in the Congress party.<sup>13</sup> This posture of political competition between the two caste groups is only a modern recurrence of an historic pattern dating back to the fourteenth century.<sup>14</sup> In the past century<sup>15</sup> the rivalry has sharpened to the point where the Kmmas have felt themselves an excluded "out" group in social and political life—a sociological fact which has figured prominently in the strategy of both major parties in the elections under study.

Kamma lore nurtures the image of a once-proud warrior clan reduced by Reddi chicanery to its present peasant status. Reddi duplicity, recounted by Kamma historian K. Bhavaiah Choudary, was first apparent in 1323 A.D. at the downfall of Andhra's Kakatiya dynasty. Reciting voluminous records to prove that Kmmas dominated the Kakatiya court, Choudary suggests that the Reddis, also influential militarists at the time, struck a deal at Kamma expense with the Moslem conquerors of the Kakatiya regime. The Kmmas lost their noble rank and were forced into farming.

In his research Choudary frankly has an axe to grind: he seeks to establish

<sup>10</sup> In an interview with an editor of the *New Age*, Feb. 13, 1955, p. 7.

<sup>11</sup> These three have remained members of the secretariat of the Andhra Communist Committee in all reshuffles announced in the Communist press. The most recently declared (1954) membership of the Secretariat also included in its eight names four other Kmmas: M. Hanumantha Rao, a member of the Indian Communist Central Committee; G. Satyanarayana; K. Gopal Rao, a member of the lower house of the Indian Parliament; and Krishna Rao.

This caste breakdown and the tables in this study showing castes of Congress and Communist candidates and legislators have been compiled through the cooperation of members of major Telugu castes. The compilation has included a cross-check test of the designations made by each cooperating informant by other persons of different castes.

<sup>12</sup> *Kulak pettamdar* recurs throughout C.V.K. Rao, *Andhra Communist Navakathwapu Bandaram* [Bluff of the Andhra Communist Leadership] (Masulipatnam, Andhra, 1954). Rao is a member of the Devadasi caste. Partially translated from Telugu for the author.

<sup>13</sup> Reddi power in the Congress figures in D. V. Rama Rao, "Election Lessons," *Swatantra*, Feb. 15, 1952, p. 13; Choudary, *A Brief History of the Kmmas* (cited in note 3), p. 97; and an earlier article by the author, "How Nehru Did It in Andhra," *New Republic*, March 21, 1955, p. 7.

<sup>14</sup> See Choudary, *A Brief History of the Kmmas* (cited in note 3), p. 55, and his earlier three-volume history, *Kammacharitra Sangraha* (Sengamjagarlamudi, Andhra: published by the author, 1939), Vol. 1, p. 20. Partially translated from Telugu for the author.

<sup>15</sup> Bhargava, *A Study of the Communist Movement in Andhra* (cited in note 3), p. 14, traces the present degree of Kamma-Reddi enmity to the turn of the century.

Kamma claims to Kshatriya (warrior) rank, second in the traditional Hindu caste hierarchy, rather than their present Sat-Sudra status.<sup>16</sup> His main outline of Kamma and Reddi history, however, does not differ essentially from the consensus of more disinterested scholars.<sup>17</sup> Both Kammas and Reddis were probably warriors in the service of the early Andhra kings. Later they became farmers, some feudal overlords and others small peasant proprietors who to this day take part in the cultivation of their land. Between them they dominated rural Andhra, leaving Brahmans beyond the pale of economic power in the countryside.

For five centuries the Kammas have centered in the four mid-Andhra delta districts, which Choudary says were once known as "Kamma Rashtra" or "Kamma Land." The 1921 census<sup>18</sup> shows 600,679 Kammas congregated in the delta districts, with another 560,305 scattered in other Andhra districts and in pockets in neighboring Tamil territory.<sup>19</sup> The extent of Kamma dominance in the delta is exemplified in Guntur district, where all other peasant proprietor castes together totalled 149,308, less than half the Kamma figure.

The Reddis<sup>20</sup> gravitated to the five Rayalaseema districts of west Andhra. Here Kammas are in the minority; in Cuddapah, for example, Reddis numbered 211,558 to 20,171 Kammas, and in Kurnool, Reddis were 121,032 to 14,313 Kammas. Today in popular Telugu parlance the region is called "Reddisseema."

This geographical separation of the two powerful castes had a tribal logic; in any one local area, only one or the other caste group with its patriarch could be dominant. When British tax-collectors came onto the scene, they formalized the *status quo*, extending the sway of leading landholders in each caste over vast zamindari estates. Fourteen Kamma zamindars became the biggest estate owners in the delta country.

Despite their wealth, the Kammas and Reddis as a village-centered rural gentry lagged behind the traditionally education-minded Brahmans in gaining the English literacy that was the entry to political leadership in the early years of the independence movement. For example, the 1921 census showed that out of 79,740 literate Kammas, only 2,672 were able to read English, while out of 159,730 literate Telugu Brahmans, as many as 46,498 were literate in English.<sup>21</sup>

<sup>16</sup> Sat-(Good) Sudra status is accorded to Kammas, Reddis, Velamas, and other Telugu peasant proprietor subcastes to distinguish them from less prosperous Sudra subcastes, according to W. Francis, *Census of India, 1901*, Vol. 15: Madras, Part I (Calcutta: Superintendent of Government Printing, 1903), p. 136.

<sup>17</sup> See Edgar Thurston, *Castes and Tribes of Southern India*, 14 vols. (Madras: Government Press, 1909), Vol. 3, p. 94; G. MacKenzie, *Manual of Kistna District* (Madras, 1883), p. 53; *Census of India, 1901*, Vol. 15, p. 159; J. H. Hutton, *Caste in India* (London: Oxford University Press, 1946), p. 11.

<sup>18</sup> The last in which district caste tables for Madras are available.

<sup>19</sup> *Census of India, 1921*, Vol. 13: Madras, Part II, by G. T. Boag (Madras: Superintendent of Government Press, 1922), Table XIII, p. 119.

<sup>20</sup> Reddis are also referred to by anthropologists as Kapus. However, this terminology is confusing in contemporary Andhra; Kapu is loosely applied to other non-Brahman peasant castes.

<sup>21</sup> *Census of India, 1921*, Vol. 13, Table IX, p. 77.



Choudary explains this in the following way:

Shorn of their principalities, commanding officer's posts, and choudariships, Kammas had to content themselves with the lot of peasants and husbandmen. Learning only Telugu, they looked after their ryotwari [holdings]. Only about 1900 A.D., Kammas awakened to the fact that without English education they cannot better their position. The few educated Kammas who joined government service had to struggle hard to come up due to lack of patronage and the opposition of Brahman vested interests.<sup>22</sup>

It was inevitable that Kamma-Reddi competition would increase with the educational advancement of the two castes, and that the Brahman politicians who controlled the Andhra Congress party would gradually lose their actual—if not titular—party control to others exercising greater local power in Andhra. This is precisely what happened between 1921 and World War II. Both Kammas and Reddis, pushing forward with the anti-Brahman movement that swept all South India, supported the Andhra branch of the short-lived Justice party.<sup>23</sup> Then Reddi power lodged itself in the Congress behind a Brahman façade at the same time that a clique of young Kamma intellectuals was founding the Andhra Communist party. Choudary notes that Kamma youth were attracted by "the Communist Party, with its slogans of social equality," but he does not seek to explain why the party in Andhra became "predominated by Kammas" rather than Reddis.<sup>24</sup>

The circumstances explaining the polarization of Kamma-Reddi warfare on a Communist-Congress basis deserve further study. The consensus in Andhra points to geographical accident: the Kammas happened to be in the delta. Their political activity of every stripe had always been greater than in Rayalaseema. From the beginning of the independence movement Gandhian Congress leaders found their liveliest Andhra response in the delta rice trading towns of Vijayawada and Guntur, centers of the region's intellectual and political ferment. Thus, just as the then Brahman-dominated Congress drew its leadership from the delta, so the challenge to this leadership emerged within the strongest non-Brahman caste group in the delta. In addition, in the delta's legions of landless laborers there was the grist of a mass movement plain to any young Marxist intellectual looking for a cause.

The young Reddi intelligentsia in the Rayalaseema hinterlands was politically quiescent by comparison with the Kammas. The young Reddi who did desire a political career could best seek it in the Congress, where his caste group, gravitating almost by default, had cornered the market on the bulk of the party's non-Brahman patronage. Some young Reddi leaders were a part of the Communist party from its inception, but they have always been outnumbered by Kammas. Only one has held his own in the party hierarchy, Puchalapalli Sundarayya, whose real name is Puchalapalli Sundar Rama Reddi.<sup>25</sup> He is in a

<sup>22</sup> Choudary, *A Brief History of the Kammas* (cited in note 3), p. 122.

<sup>23</sup> A coalition of aggrieved non-Brahman castes throughout South India.

<sup>24</sup> Choudary, *A Brief History of the Kammas* (cited in note 3), pp. 97-98.

<sup>25</sup> A brilliant orator in Telugu, Sundarayya is the party's most popular mass leader in Andhra.

position comparable to that of the Kamma Congress veteran, N. G. Ranga, a nationally prominent Congress figure and another notable exception to the rule of caste politics in Andhra. Both of these politically displaced persons enjoy wide personal popularity, but both strike discordant notes within the otherwise relatively homogeneous leadership cliques of their respective parties.

## II. THE ROLE OF LANDLESS LABOR

Against this historical backdrop it is now possible to examine the course of political events surrounding the 1946, 1951, and 1955 elections in Andhra in an effort to explain the consistent concentration of the Communist popular vote in the delta as well as its special potency in 1951.

In 1946, Andhra was the only region in India where the Communists felt strong enough to enter a bloc of candidates across one large contiguous group of constituencies against the candidates of the Congress—recognized champion of independence at a time when India remained under foreign domination. In Bengal, Malabar, and parts of north India, where the Communist party was also an election factor, Communist entries were pinpointed in scattered centers of industrial or farm labor, but in Andhra they were massed solidly over the delta. Of the 62 constituencies in areas now forming Andhra,<sup>26</sup> the Communists contested 29, all virtually side by side. Twenty-four were located in Krishna, Guntur, East and West Godavari districts, the delta belt commonly called the "Circars."<sup>27</sup> This concentration in the delta was no momentary accident of tactics but a reflection of the basic character of Andhra communism. The pattern of 1946 remains the pattern of 1955.

With Communist candidates almost exclusively centered in the delta in 1946 (see Table I), it was not surprising that most Communist votes were recorded there. Even in 1955, however, with only 57.4 per cent of the Communist candi-

TABLE I. LOCATION OF COMMUNIST POWER IN ANDHRA, AS SHOWN IN 1946, 1951, AND 1955 ELECTIONS

Year	Votes Cast in Four Delta Districts: <sup>*</sup> Per Cent of Total Votes Cast	Communist Votes Cast in Four Delta Districts: Per Cent of Total Communist Vote	Communist Candidates Contesting in Four Delta Districts: Per Cent of Total Communist Candidates
1946	55.1	94.7	89.2
1951	54.3	85.5	72.2
1955	56.2	72.8	57.4

\* The four Andhra districts in the Krishna-Godavari delta are Krishna, Guntur, East Godavari, and West Godavari.

<sup>26</sup> "Delimitation of Madras Constituencies," *Government of India (Provincial Legislative Assemblies) Order, 1936*, cited in Jagat Narain, *Law of Elections in India and Burma* (Calcutta: Eastern Law House, 1937), pp. 250-58.

<sup>27</sup> *Return Showing the Results of Elections to the Central Legislative Assembly and Provincial Legislatures, 1945-46* (New Delhi: Government of India, 1946).

dates running in the delta districts, 72.8 per cent of the Communist vote still went to these delta contestants. In 1951, 31 of the 41 successful Communist candidates were in delta constituencies; in 1955, 11 of 15. In all three elections, the delta has provided an average of 55 per cent of Andhra's total vote.

View this concentration in the delta alongside the failure of the Communists in 1955 to win more than 15 seats in a 196-member chamber<sup>28</sup>—at the same time that they were increasing their share of the popular vote from 18.6 to 31.2 per cent. Congress quarters reason hopefully<sup>29</sup> that the increased vote resulted naturally from the greater number of Communist candidates in 1955 (169 out of a total 560) than in 1951 (61 out of 614). Yet this explanation ignores the fact that the Communists retained their high proportion of the vote in their delta heartland. While their ambitious "shotgun" strategy helps explain why the Communists won comparatively few seats in 1955, other factors must be found to explain the consistent concentration of the Communist popular vote as well as its special potency in 1951.

Certainly one feature distinguishing the delta scene from other parts of Andhra is the high population density—especially the high percentage of landless laborers. Density runs from 900 to 1200 persons per square mile in the delta, as compared with 316 in the rest of Andhra. Thirty-seven per cent of the total agricultural population in the delta is landless labor, a concentration second only to Malabar District on the West Indian coast.<sup>30</sup>

Andhra Communist leaders have from the outset attempted to organize the Adi-Andhras, an untouchable subcaste comprising the bulk of the region's landless migrants.<sup>31</sup> Their success has been conceded by Communist leaders outside Andhra who granted that "the organized strength of agricultural workers in Andhra is by far the biggest in any province."<sup>32</sup> The likelihood that the votes of landless laborers have been a bulwark to Communist strength gains further support from an analysis of the concentration of Communist votes

<sup>28</sup> The Legislature was increased from 160 to 196 members before the 1955 elections in a new delimitation of constituencies.

<sup>29</sup> For example, *The Hindu*, March 10, 1955, p. 4. This issue also contains detailed election statistics.

<sup>30</sup> Thomas Shea, "Agrarian Unrest and Reform in South India," *Far Eastern Survey*, Vol. 23, pp. 81-88, at pp. 84-85 (June, 1954). See also *District Census (1951) Handbooks* (Madras: Government Press, 1953), Tables D-III Krishna, p. 183; West Godavari, p. 135; East Godavari, p. 292; Guntur, p. 206.

<sup>31</sup> For the history of the Andhra Communist party, see P. Sundarayya, *Vishalandralu Prajaraajam* [People's Rule in Vishalandhra] (Vijayawada: Vishalandhra Publishing House, 1946), Ch. 6. Translated from Telugu for the author.

<sup>32</sup> "The Struggle for People's Democracy and Socialism, Some Questions of Strategy and Tactics," *The Communist*, Vol. 2, pp. 21-90, at p. 35 (June-July, 1949). This was formerly the monthly organ of the Communist party of India.

For additional references to Communist organization of agricultural labor in Andhra, see N. Prasada Rao, "Agricultural Laborers Association," *News Bulletin of the All-India Kisan Sabha*, Oct.-Nov., 1952, p. 22, which terms agricultural labor "the rock-like base of the [Communist] movement in Andhra"; and "Second Andhra Agricultural Labor Conference," *Aug.*, 1953, p. 6, setting organized strength in the region then at 94,890.

alongside the irrigation map of the delta. The same extensively irrigated delta rice country which, as a focus of farming, has dense settlements of landless labor, such as Tenali, Gudivada, Bapatla, and Bandar taluks (subdivisions) in Krishna District, is also the site of consistently high Communist voting.<sup>33</sup> After the 1951 elections, the Congress publicly acknowledged that Communist "canalization" of agricultural labor votes had played an important part in the election.<sup>34</sup> There is no evidence to suggest that this factor was absent in 1955. On the contrary, the Communists themselves claim that "the most oppressed and exploited strata of the people in the rural areas, the agricultural workers and poorest peasants, stood firmly by the party."<sup>35</sup> Independent press comment has accepted this as a fact.<sup>36</sup>

In 1946, however, the Communists could not have derived much benefit from this source of strength. Franchise limitations excluded all but 13 per cent of the population. In addition to a literacy requirement, only registered landholders owning, in addition to their homes, immovable property valued at the rupee equivalent of \$10 or more were permitted to vote.<sup>37</sup> Therefore, landless farm laborers were unable to take part in the election.

In any case, the support of landless labor would not explain the two subsequent elections. To be sure, six of the 31 seats won by the delta Communists in 1951 were reserved for scheduled castes (untouchables). These seats, by their very nature, hang on the support of landless labor. In addition, these six reserved seats were in double-member constituencies in which the Communists also won the six non-reserved seats. In these double constituencies both general and scheduled caste voters can vote twice, each influencing the outcome in both seats; landless labor thus clearly played a role in the six non-reserved seats in these double-member constituencies. In the remaining 19 of the 1951 Communist victories, landless labor votes must also have been an important prop to Communist candidates. But if dependable landless labor support alone explains Andhra communism, why then could the Communists not win as many seats in 1955 as in 1951?

It is the contention of this study that Communist victory margins in 1951 stemmed from a timely confluence of events, favorable to the manipulation of social tensions, which did not recur in 1955. In 1951 the movement to carve a separate Andhra State out of Madras had reached a high emotional pitch. The Communists surcharged the election atmosphere with propaganda keyed to Telugu patriotism, while in 1955, with Andhra State a reality, the Congress

<sup>33</sup> *Imperial Gazetteer of India*, Provincial Series, Madras I (Calcutta: Superintendent of Government Printing, 1908), p. 309. See canal locations in frontispiece maps in *District Census (1951) Handbooks*; note also S. W. Cushing, "The Geography of Godavari," *Bulletin of Geographic Society of Philadelphia*, Vol. 9, pp. 2-3 (Oct., 1911), reprinted.

<sup>34</sup> *The Hindu*, March 3, 1952, p. 1.

<sup>35</sup> Ajoy Ghosh, "The Andhra Elections and the Communist Party," *New Age*, March 4, 1955, p. 1. *New Age* is the weekly organ of the Communist party in India.

<sup>36</sup> For example, see "Andhra Victory," editorial in *Times of India*, March 10, 1955, p. 4.

<sup>37</sup> *Public General Acts and Measures*, Vol. 1. Sixth Schedule, Part II: Madras (London, 1935-36), pp. 256-57. H.M.S.O.

could make Indian nationalism the issue. Furthermore, at the same time that they were exploiting Telugu solidarity in 1951, the Communists made the most of a bitterly tense moment in Andhra's caste rivalries—a crisis which the Congress was able to surmount in time for 1955.

### III. THE 1946 ELECTIONS

At the end of the war, with the polarization of Andhra politics on caste-party lines almost complete, the Kamma Congress leader, N. G. Ranga, was on the far fringes of the Andhra Congress power structure. Inside, a personal rivalry raged between two prominent Telugu Brahman politicians: Pattabhi Sitaramayya, official historian of the Indian National Congress, and Tanguturu Prakasam, "Lion of Andhra," a mass idol, who won a legendary reputation in the independence movement when he bared his chest before British police, daring them to shoot. Sitaramayya typified the Brahman façade behind which Reddi power made its appearance. In 1946 he held firmly onto the Andhra Congress machinery, though Prakasam maneuvered many of his own choices into election nominations. N. G. Ranga was, then, part independent operator, part Prakasam satellite.

Frankly building his political career on a Kamma base, Ranga had articulated a "peasant socialist" theory<sup>28</sup> gingered by Western class slogans but boiling down in concrete terms to a defense of peasant proprietorship as opposed to land nationalization. In Andhra he organized a compact political striking force, bent on increasing Kamma influence in the Congress while at the same time fighting the Communists by reciting the story of Stalin and the peasant. In 1946, however, with Congress activity only beginning to regain momentum after the war, there was little time to put a striking force into action before the elections. Relatively few Kammas won Congress nomination and election, even in Kamma strongholds (see Tables II and III).

The Kamma Communist leaders were in a more favorable position. During the war the Andhra Communists fattened handsomely on the official patronage accorded all-India communism for support of the defense effort. The Congress, demanding freedom first, protested when Britain decided that India was at war. Thus, while Congress leaders spent the war in British jails, Communist leaders not only had a clear field to organize but actually had government support to popularize rationing and talk down strikes.<sup>29</sup> In parts of India where the Communist movement had gained a foothold before the war, this favored position presented a rare opportunity for rapid expansion. The Andhra Communists could take full advantage of the situation. Besides the wealth and influence of their Kamma leaders, they had capitalized as much as any regional

<sup>28</sup> For example, N. G. Ranga, *Outlines of National Revolutionary Path* (Bombay, Hind Kitabs, 1945), pp. 109-10.

<sup>29</sup> The Communist role during the war is summarized in *The Communist Party of India*, Publication No. 2681, Research and Analysis Branch, Office of Strategic Services, August, 1945, p. 21; note also P. Sundarayya, *op. cit.*, Ch. 6, where it is estimated that Andhra Communist membership rose from 1,000 in 1942 to 8,000 in 1945.

TABLE II. NUMBER OF CANDIDATES BY MAJOR CASTES IN ANDHRA DELTA DISTRICTS, IN 1946, 1951, AND 1955 ELECTIONS

Year	Communist				Congress			
	Kamma	Reddi	Brahman	Other	Kamma	Reddi	Brahman	Other
1946	9	—	1	1	4	3	4	7
1951	22	2	3	15	17	7	2	20
1955	32	4	6	24	28	7	7	25

Note: Constituencies reserved for scheduled castes and tribes have been omitted. In the case of 1946, when certain constituencies were also reserved for urban as distinct from rural voters, and on the basis of labor union membership, religion, and sex, these figures apply only to general rural constituencies.

Communist party from the prewar united front with the Congress Socialist party, walking off with almost the entire Andhra Socialist organization in 1939.<sup>40</sup>

The Andhra Communists waged a vigorous campaign in the 1946 elections,

TABLE III. NUMBER OF ELECTED LEGISLATORS BY MAJOR CASTES IN ANDHRA DELTA DISTRICTS, IN 1946, 1951, AND 1955 ELECTIONS

Year	Communist				Congress			
	Kamma	Reddi	Brahman	Other	Kamma	Reddi	Brahman	Others
1946	—	—	—	—	4	3	4	7
1951	14	2	3	6	3	3	—	4
1955	1	2	3	3	24	7	7	25

Note: Constituencies reserved for scheduled castes and tribes have been omitted. In the case of 1946, when certain constituencies were also reserved for urban as distinct from rural voters, and on a basis of labor union membership, religion, and sex, these figures apply only to general rural constituencies.

putting their major effort into Kamma strongholds. Because the sole successful Communist contestant won in a labor stronghold,<sup>41</sup> the dominantly rural nature of the Communist effort in 1946 has been overshadowed. Of the 24 delta seats for which the Communists contested, 17 were entirely in rural areas. Of these 17, six were reserved seats for scheduled castes. In each of the 11 remaining "general rural" constituencies, the per cent of the vote polled by the Communists was surprisingly high—ranging from a low of 11.5 to a high of 31.9, with the

<sup>40</sup> Jayaprakash Narayan, *Towards Struggle* (Bombay, Padma Publications, 1946), pp. 171, 174.

<sup>41</sup> P. Venkateswarulu in West Godavari-cum Kistna-cum Guntur (Non-union) Factory Labor constituency.

median falling just above 20.<sup>42</sup> When the franchise property restriction in 1946 is kept in mind, this figure assumes its proper importance. These were not to any substantial degree the votes of agricultural labor. Rather they were votes drawn from the general landed caste Hindu population in the countryside and from propertied voters in small rural centers.

Here a caste analysis of candidates highlights the Kamma base of the Communist leadership. Omitting the six constituencies set apart for scheduled castes, a caste breakdown of the 11 Communist caste Hindu entrants shows nine Kammas, while of 18 caste Hindu Congress entrants for rural seats in the four delta districts only four were Kammas (Table II).

#### IV. THE KAMMAS AND MAO'S "PEOPLE'S DEMOCRACY"

After the 1946 elections, events in India led quickly to the final withdrawal of British rule and the establishment of the new Nehru government. The Indian Communist party, caught in the war time united front spirit of world communism, was swearing its love for Jawaharlal Nehru as a leftist force in the Congress when the Cominform made its celebrated switch to a terrorist line in Asia in late 1947. Party secretary P. C. Joshi became the scapegoat, and a new insurrectionist strategy was launched under the leadership of B. T. Ranadive. In different parts of India this strategy took different forms. Acid bombs were hurled in the streets of Calcutta as Ranadive talked of urban proletarian uprisings. But in Andhra a revolutionary form then distinctive in Indian Communist experience was taking shape. It combined in a paradoxical fashion the power of the Kammas in the countryside with the land hunger of the migrant untouchables in the delta and in neighboring Telengana, the Telugu-speaking southeast corner of Hyderabad State.

This was the so-called Telengana movement, organized along standard Communist guerrilla lines with wholesale land redistribution and parallel village governments. Clusters of villages in the delta and nearly all of Warangal and Nalgonda districts in Hyderabad went under Communist control from 1948 through 1950. Andhra and Telengana Communist leaders directed a two-way offensive north into Telengana and south into the delta, from a 40-village base of operations in Munagala Jungle in northwest Krishna District.<sup>43</sup> Communist squads raided villages by night, police battalions by day. When Indian Army troops conducted their 1948 "police action" against the Nizam of Hyderabad, they stayed on in Warangal and Nalgonda to drive the Communists out. It took them until 1951 to restore normal local government.

In all the tumult in the delta, most Kammas with their valuable paddy lands

<sup>42</sup> Ellore, 19.3; Bhimavaram, 19.4; Narsapur, 21.4; Bandar, 28.4; Beswada, 31.9, Guntur, 26.9; Narasarpot, 17; Tenali, 16.6; Ongole, 14.4; Rajahmundry, 11.5; and Amalapuram, 18.4.

<sup>43</sup> The designation of Munagala as headquarters during this period is part of a colorful description of the Telengana movement as seen by delta Congress leaders in *Charges against the Madras Ministry (by Certain MLAs)*, published by A. Kaleswara Rao, (Madras, Renaissance Printers Ltd., 1948), p. 28.

went unscathed. So long as the middling-rich farmers, who make up the bulk of the caste, stayed above the battle, they were classified in Communist strategy as "neutralized."<sup>44</sup> This was outright deviation, not only from the Ranadive line, which saw all landowners as equally villainous, but also from the Moscow-Zhdanov line decreeing unequivocal guerrilla offensives throughout Asia. B. T. Ranadive, attacking the Andhra Secretariat, publicly charged that in Andhra Communist ranks "it is the rural intellectuals, sons of rich peasants and middle peasants, that preponderate in important positions. The party politically based itself on the vacillating politics of the middle peasants and allowed itself to be influenced even by rich peasant ideology." He contrasted Andhra's "wrong social base" with the working class base of the Tamilnad party and the "poor peasant" base in Kerala.<sup>45</sup>

The Andhra Communists had made no secret of their "rich peasant" policy within the party. They explicitly declared themselves on this point in a 1948 program report for the Indian Communist Politburo which stressed two major tactical rules of thumb:

1. In delta areas the pressure of population would be heavy, and as such slogans should be raised for the distribution of lands belonging to rich ryots among poor peasants and laborers . . .

2. Propaganda should be carried on to convince the ryots about the just demands of the workers, and we should also effect compromises with such of those ryots who would follow with us. Assurance should be given that we should not touch the lands of rich ryots.<sup>46</sup>

B. T. Ranadive singled out for special attack another statement of this position in a 1948 Andhra Secretariat document discussing tactics toward government rice procurement for rationing:

In the matter of procurement of paddy, the Secretariat believes that it is possible to neutralize the rich peasants as the government plan goes against the rich peasantry also. Though the rich peasantry as a class is not standing firmly in the fight, it is parting with paddy with dissatisfaction.<sup>47</sup>

This, Ranadive charged, "constitutes the real practical gist of the document, a program of class collaboration in rural areas, of bowing down before the rich peasant."<sup>47</sup>

Ranadive and the Andhra Secretariat waged unabashed open warfare that may have reflected a larger struggle in world communism. For then, in mid-1949, Mao Tse-tung did not yet control the Chinese mainland. Soviet policy still belabored Mao for his "New Democracy" with its expansive welcome to "patriotic" capitalists and rich peasants. The Andhra document specifically justified its "rich peasant" policies by pointing to Mao. But, Ranadive de-

<sup>44</sup> An example of this characterization is in *The Communist*, Vol. 2, p. 71 (June-July, 1949).

<sup>45</sup> *Ibid.*, p. 34.

<sup>46</sup> The 1948 report appears in part in *Self-Critical Report of the Andhra Communist Committee, January 1948-February 1952*, Part Two, March 1949-March 1950, a party document not intended for publication.

<sup>47</sup> *The Communist*, June-July, 1949, p. 72.



clared, Mao's "horrifying" departures from accepted Stalinist dogma "are such that no Communist party can accept them; they are in contradiction to the world understanding of the Communist parties." Ranadive scolded the Andhra comrades, who "should have thought ten times before making such a formulation."<sup>48</sup>

John Kautsky has pieced together intricate chains of international Communist publications during the period of the Andhra-Ranadive exchange to show that in their controversy they "reflect in an extreme fashion the uncertainty between the 'left' and 'Maoist' views then prevailing in Moscow." Kautsky, describing the disorganized state of Indian communism, also notes the "peculiar internal cohesion and individual character" which makes the Andhra party a striking exception. "As a result, while other regional CPI organizations were at Ranadive's mercy, the Andhra Committee seems to have remained relatively immune from his interference."<sup>49</sup>

By January, 1950, the Cominform journal had endorsed the "path taken by the Chinese people,"<sup>50</sup> and by the summer of 1950 the Indian Communists were apologizing profusely to Mao.<sup>51</sup> They praised "New Democracy" as a model for India to follow, and replaced B. T. Ranadive with the Kamma Andhra Communist leader Chandra Rajeshwar Rao, whose family rice plantation sprawls over 290 acres of fertile delta land.

#### V. COMMUNIST CHANGE OF FRONT FOR THE ELECTIONS

National Indian Communist policy under Rajeshwar Rao's leadership proceeded to misread the Cominform editorial by assuming that it had been asked to pursue the Chinese path by adopting armed struggle.<sup>52</sup> The Telengana struggle was thus stepped up at the very moment when the Nehru government was bearing down on the movement with all its military might. By the Spring of 1951, the superior power of Indian government forces had crushed guerrilla strength in Telengana and the delta. At the same time, a factional split was growing between Rajeshwar Rao and forces led by S. A. Dange, the veteran Bombay Communist labor leader. Dange saw the plainly increasing stability of the Indian political scene and favored participation in the general elections scheduled for the end of the year. To resolve the crisis, Moscow summoned Rajeshwar Rao, his Andhra Kamma colleague Besava Punniiah, S. A. Dange, and party stalwart Ajoy K. Ghosh to the Soviet Union to put a Kremlin imprimatur on a peace settlement. The result was the selection of Ajoy Ghosh as party secretary and a new, moderate policy.

As its first peace overture to the government the Communist party sent out

<sup>48</sup> *Ibid.* p. 60.

<sup>49</sup> John H. Kautsky, *Moscow and the Communist Party of India* (Cambridge, Mass., Center for International Studies, Massachusetts Institute of Technology, 1954), pp. 124, 128.

<sup>50</sup> Editorial in *For a Lasting Peace, for a People's Democracy*, Jan. 27, 1950.

<sup>51</sup> "Statement of Editorial Board on Anti-Leninist Criticism of Comrade Mao-Tse-tung," *The Communist*, Vol. 3, pp. 6-35, at pp. 6-7 (July-Aug., 1950).

<sup>52</sup> M. F. Masani, *The Communist Party of India* (New York, 1954), p. 110.

feelers in mid-summer offering to behave as a legal party in exchange for the release of imprisoned *detenus*, many of whom were the strongest Communist election contenders. At first, the Communist press complained that the government of Hyderabad, where the initial overtures were made, "did not even bother to reply."<sup>53</sup> In a Parliament speech August 14, the then Home Minister Chakravarti Rajagopalachari declared that "the party cannot have it both ways, delivering speeches and carrying on other election activities while killing and terrorizing." As late as November 19, the official Congress party organ said that "it would be unprecedented for any government to release men convicted by courts or reasonably detained as enemies of the state."<sup>54</sup> Still, in spite of these declarations, the government had an historic last-minute change of heart,<sup>55</sup> and released most of the Madras Communist prisoners.

Communist leaders hurried from South Indian jails to their home districts with all the martyr's aura reserved in Indian society for those who suffer privation at the hands of authority. A notification in the *Gazette of India* dated August 11, 1951 showed 202 Communist prisoners in Madras, most of them—although district by district breakdowns are not available—from Andhra. Month by month figures in Home Ministry files show the Madras total of its *detenus* dropping to 86 in December and four by February, 1952. These figures do not include an almost equal number placed on parole at this time and later declared free. Thus, most of the Andhra Communist high command were freed in time to map election strategy for the January balloting. They campaigned feverishly to make up for their late start, well aware that the deep factional crisis then gripping the Congress camp presented a rare opportunity.

#### VI. 1951 ELECTION SETTING: DECAY IN THE CONGRESS

In the years between the 1946 and 1951 elections, Andhra Congress leaders were locked in a factional war, in which the fortunes of N. G. Ranga went first upward and then to rockbottom. The three-way tussle between Ranga, Patabhi Sitaramayya, and T. Prakasam was complicated by the multi-lingual nature of Madras politics during that period. To score a point at any given moment, each Andhra faction could reach across not only caste but also regional lines, striking at its rival by aligning with Tamil-speaking factions in the Madras government.

Prakasam, having helped his own lieutenants win Congress seats in the Madras Assembly, could command powerful support in the first skirmish of this period. In the 1946 wrangle for ascendancy in the multi-lingual Madras Legislature Congress party, Prakasam emerged with the prize of the Madras

<sup>53</sup> "For Settlement in Telengana," editorial in the then national weekly of the Communist Party of India, *Crossroads*, Aug. 3, 1951, p. 1.

<sup>54</sup> "Reds' Threat," *Congress Sandesh*, Nov. 19, 1951, p. 4.

<sup>55</sup> The decision to release the Communist *detenus* is generally attributed to Prime Minister Nehru. A high Indian official with responsibilities in this matter told the author at the time that Nehru felt the Communists would prosper more if permitted to increase their martyrdom behind bars than if out in the open where, given enough rope, they might eventually be their own undoing.

Chief Ministership. But his majority was perilous, for Tamil members of the Assembly had joined in electing him for factional reasons of their own. The ruling Tamil Congress bloc, predominantly non-Brahman, used Prakasam to head off Tamil Brahman Chakravarti Rajagopalachari in his bid for the Chief Ministership. Once successful, they hurried to hunt allies to replace Prakasam. Caste loyalties on both the Andhra and the Tamil sides thus vanished at the linguistic border. The 20 Andhra supporters of Brahman Sitaramayya lined up with the non-Brahman Tamil bloc and half of the Malayalam-speaking members of the legislature to unseat Prakasam.

To save his political position in his home territory, Prakasam joined forces with Ranga. Together they took control of the Andhra Congress machinery from Sitaramayya. Ranga won the Andhra Congress presidency, defeating N. Sanjiva Reddi, nominee of the Sitaramayya group.

In the bitter ensuing warfare, both sides aired charges of corruption which the Communist propaganda network carried into remote rural regions. As a result, the Congress leaders soon lost the prestige of their independence movement days. Prakasam followers charged Sitaramayya members of the new Madras regime with trafficking improperly in commercial permits and transport franchises, blackmarketing, and rampant nepotism. They also contended that the Communists enjoyed an unholy alliance with the active leader of Sitaramayya forces in the Madras government, Revenue Minister Kala Venkata Rao. Prakasam cited chapter and verse to allege that Rao, later a national general secretary of the Congress, helped arrange facilities for Red Flag meetings, looked the other way when Communists staged illegal squatter movements, solicited and received Communist help to defeat Prakasam candidates in local elections, and fed anti-Prakasam propaganda to Communist leaders.<sup>56</sup>

With the Kamma Ranga at the head of the Congress, the opposition to Prakasam and Ranga had strong caste overtones. Reddi forces were a part of the maneuvering that brought Ranga's downfall in April, 1951, when N. Sanjiva Reddi won the Andhra Congress presidency in a close 87-82 decision. Ranga and Prakasam, charging that the Reddi victory hung on "irregularities," walked out of the Congress. Fifty of their sympathizers on the Andhra Congress Committee followed them out of the party. Then came the final blow to Congress unity, a Ranga-Prakasam split. Prakasam announced that his candidates in the general elections would carry the symbol of the new Kisan Mazdoor Praja (Peasants Workers Peoples) party led by Acharya J. B. Kripalani. Ranga formed a Kamma front, the Krishika Loka (Farmers') party. Therefore, in delta election constituencies where Kamma influence counted, the three-way Congress split meant that at least two Kammas, a Ranga candidate and a nominee of the official Congress, and in many cases other Kammas named by Prakasam, the Socialist party, or independent local groups, all competed for the campaign support of their wealthy caste fellows.

<sup>56</sup> *Charges against the Madras Ministry* (cited in note - 3), pp. 6-7, 30-31.

## VII. KAMMA SUPPORT DECISIVE IN 14 COMMUNIST VICTORIES

It was into this inviting situation that the Andhra Communists strode from prison in the fall of 1951. Already on good terms with their Kamma brethren because of their sweet reasonableness during guerrilla days, they warned that the Reddi-dominated Congress was out to get them. Ridiculing Ranga's KLP as a splinter group, they argued that he could not possibly emerge with a majority. The Communists presented themselves as political comers who would soon be able to protect the caste from the citadels of government power.

They had the issues on their side. Not only could they promise five acres and a cow to their traditional supporters, the Adi-Andhra landless laborers; they could also put the Congress on the defensive in the Andhra State issue. Then too, they could inflate popular discontent with food shortages and blackmarketing that grew worse while ruling Congress politicians seemed too busy feuding to take action—or, as the popular image had it, were knee deep in the trough of corruption.

The Kammas could well have been impressed with the apparently rising star of their caste fellows at the helm of the Communist party. Even the Kamma historian Choudary, outspokenly anti-Communist in his writings, recites with obvious pride a long list of Communist Kamma notables, adding that "many other young Communist legislators have turned out to be able debaters and formidable opponents."<sup>57</sup> The Kammas must certainly have considered how desirable it would be to crystallize friendly relations with a revolutionary leadership that had already shown it could be reasonable about whose land was confiscated.

Whatever the understanding<sup>58</sup> between the Communists and Kamma patriarchs, a significant section of the Kammas plainly put their funds, influence, and votes behind the Communist Kamma candidates (see Table IV). This factor appears to have tipped the scales in the delta. While the Kamma vote was divided, the share of Kamma support won by the Communists provided the margin of victory in 14 of the 25 delta general constituencies where Communist deputies were elected.<sup>59</sup> Three of the six Communist members of the lower house of Parliament elected in 1951 from the delta are Kammas.

The victorious Communist in 1951 drew on the numbers of the landless laborers and protest votes of erstwhile Congress supporters, but powerful Kamma backers gave him in a substantial number of cases even more decisive support—identification with village-level authority. In a society hardly out of feudalism, this is an intangible which should not be underestimated.

<sup>57</sup> Choudary, *A Brief History of the Kammas* (cited in note 3), p. 98.

<sup>58</sup> C. V. K. Rao, *op. cit.* (in note 12), says that Dharma Rao, a brother-in-law of Basava Punniiah, has enrolled hundreds of Kammas as actual party members on the promise that the caste group would benefit when the CP came to power. As an example of specific allusions to Communist Kamma support, see also "CPI May Win More Seats in Madras," *The Statesman*, Jan. 8, 1952, p. 1.

<sup>59</sup> The figure of 25 excludes six reserved constituencies in which Communists won in the delta.

TABLE IV. COMMUNIST KAMMA STRONGHOLDS IN *ANDHRA*\* AS SHOWN IN 1951 AND 1955 ELECTIONS

Constituency	1951				1955		
	Per Cent of Total Vote				Per Cent of Total Vote		
	Congress	CP	KLP	Others	Congress	CP	Others
<i>Krishna</i>							
Kanchi-Echerla	31†	52†	13†	4†	50†	47†	3†
Kankipadu	30†	54†	11†	5†	51†	49†	—
Divi	20†	44†	—	36†	59†	41†	—
Gudivala	14†	48†	—	38	—	42†	58†
<i>Guntur</i>							
Chilakaluripet†	19†	55†	11†	15	56†	43†	1
Bapatla	32	36†	25†	—	56	40†	4
Mangalagiri	14	51†	23†	12	57	43†	—
Repalle	34†	52†	9†	—	60	40†	—
Ongole	12	40†	20†	28	54	46†	—
Ponnur	15	37†	21†	27	65†	35	—
<i>East Godavari</i>							
Rajahmundry	27	40†	—	33	59	41	—
<i>West Godavari</i>							
Kovvur	23†	30†	—	47†	63†	32†	5
Eluru§	26†	40†	—	34	62†	37†	1
Chintalapudi	32†	46†	—	22†	—	—	—

\* Constituencies shown represent all those in which Kamma Communist candidates were elected in 1951. The outcome in the same constituencies is shown in 1955, though it should be borne in mind that new delimitation of constituencies prior to the 1955 elections makes the 1955 constituencies not exactly congruent with the originals under comparison. These constituencies do not necessarily represent the sites of greatest Kamma Communist success in 1955. The site of one 1951 Communist victory—Chintalapudi (West Godavari)—cannot be compared meaningfully with any 1955 constituency.

† Candidates designated in this manner are members of the Kamma subcaste.

‡ Renamed Paruchur in 1955.

§ Renamed Denduluru in 1955.

Note Percentages have been rounded to the nearest decimal. Communist-supported Kamma candidates running on other party tickets or as independents in other constituencies are not included in this analysis in view of the author's inability to gain a precise picture of the division of support in the constituencies concerned. A Communist-supported Kamma won election on the KMP ticket in Narasimhapeta (Guntur) while a CP-supported candidate lost on the KLP ticket in Tenali (Guntur) and another lost as an independent in Nuzvid (Krishna).

To a great extent the 1951 results in the domain can be explained simply by the multiplicity of candidates, which enabled the Communists to capitalize on a divided opposition. But it is necessary to examine the nature of this multiplicity.

The telling strength of the Communists in this opportunity came from the

fact that they were uniquely situated to exploit the divisions in the Kamma camp. Their leaders were Kammas on Kamma ground. Kamma influence is spread evenly enough over the delta so that even in those delta constituencies where non-Kamma Communist candidates were successful, the Kamma population must have played an important role. Furthermore, a glance at the votes polled by the winning Communist Kammas places the factor of multiplicity of candidates in proper perspective. The average Communist Kamma winner polled 44.6 per cent of the votes. In only two constituencies, Eluru and Chintalapudi, did the combined vote of non-Communist Kamma candidates exceed that of the Communist Kamma victor. Even in defeat, Communist Kamma candidates in 1951 polled 33.1 per cent of the votes (see Table V), with their

TABLE V. DEFEATED 1951 COMMUNIST KAMMA CANDIDATES IN ANDHRA DELTA DISTRICTS

Constituency	Per Cent of Total Vote			
	Congress	CP	KLP	Others
Krishna				
Kaikalur	37†	36†	—	27
Guntur				
Guntur	24†	23†	—	53
Duggirala	42	38†	13†	7
Prathipadu	26	25	22†	27
East Godavari				
Pamarru	49†	46†	—	5†
West Godavari				
Tanuku	29†	25†	—	46†

-† Candidates designated in this manner are members of the Kamma subcaste.

Note: Percentages have been rounded to the nearest decimal. Communist-supported Kamma candidates running on other party tickets or as independents in other constituencies are not included in this analysis.

margin of defeat a matter of from one to four percentage points in every instance where the successful candidate was also a Kamma. In sharp contrast, other defeated Communist candidates in the delta polled only an average 22 per cent. Thus the multiplicity of candidates alone cannot explain the large number of Communist victories. The fact that the Communists could compete strongly for the support of the caste group most strategically placed in delta politics was the key to the Communist sweep.

Outside the delta, too, in constituencies where the Kammas were a potent minority but not dominant, the Communists chose to rely on Kamma support. For example, in the Chittoor parliamentary contest, the Communists unsuccessfully supported a Kamma independent against a Reddi Congress candidate. In Nellore, a coastal district adjacent to the delta where the Kammas have only

half the numerical strength of the Reddis,<sup>60</sup> the Communists lost out to Congress Reddis in three constituencies where they nominated Kammas.<sup>61</sup> Where they won in Nellore it was with Reddi candidates in two solidly Reddi constituencies,<sup>62</sup> and with a Brahman in another.<sup>63</sup> The 170 Reddis elected on the Communist ticket in Nellore may owe much of their strength to the prestige of the sole major Communist Reddi leader, Sundarayya, in his home district. Where scattered Reddis were elected in other districts,<sup>64</sup> the result appears to have hinged on local and personal factors. The only other Communists elected outside the delta were four Brahmans and one Velama, a petty landlord subcaste.

It was in Nellore that Kamma-Reddi bitterness in 1951 reached its high point in the defeat of the prominent Andhra Congress leader B. Gopala Reddi, Finance Minister in the Madras government, by a KMP Kamma candidate in Udayagiri constituency. Reddi, who once remarked lightly in the Madras Assembly that his was "a Reddi government for Reddis,"<sup>65</sup> told reporters that Kammas had "wreaked vengeance" on him.<sup>66</sup> His supporters explained that a would-be Kamma candidate in Chingleput had been refused a Congress nomination by Congress leaders there. The Kammas in Udayagiri blamed it on backstage maneuvering by Reddi. This was one of the rare episodes in which Kamma-Reddi enmity had ever burst into the open.

#### VII. THE RANGA-CONGRESS ALLIANCE IN 1955

After the 1951 elections and the formation of the Andhra State in 1953, open Kamma-Reddi warfare increased with the two rivals now pitted directly against each other. No longer was there the intervening presence of non-Andhra elements in a multi-lingual legislature. Even Jawaharlal Nehru could not bring N. G. Ranga under the wing of Sanjiva Reddy's party leadership.<sup>67</sup> The controversy over the choice of the new state's capital once again polarized Andhra politics on what was now widely conceded to be a regional-caste basis, the Reddi-dominated Congress winning the selection of Kurnool in Rayalaseema over the bitter protests of the Communists and Ranga's KLP as champions of the delta.<sup>68</sup>

Puchalapalli Sundarayya charged that the Congress:

... wanted to rouse regional feelings: it wanted to rouse communal feelings, and that is why it selected Kurnool as the capital . . . . The Congress raises the slogan of Reddi vs. Kamma. It says: if you want to change from Kurnool to any centralized place, then

<sup>60</sup> *Census of India, 1921*, Vol. 13, Table XIII, p. 115, shows 109,969 Kammas and 208,018 Reddis in Nellore.

<sup>61</sup> Venkatagiri, Gudur, and Rapur.

<sup>62</sup> Kanigiri and Darsi.

<sup>63</sup> Kovur.

<sup>64</sup> Nandikotkur in Kurnool; Kamalapuram and Rajampet in Cuddapah; and Anantapur in Anantapur District were the sites of other Communist Reddi successes.

<sup>65</sup> Quoted by D. V. Raja Rao, *op. cit.* (in note 13), p. 23.

<sup>66</sup> "Congress Reverses in Madras," *Hindustan Standard*, Jan. 14, 1952, p. 8.

<sup>67</sup> "Ranga Keeps Out," *Times of India*, Oct. 2, 1952, p. 1.

<sup>68</sup> For example, see "Andhra Election Scene," *Times of India*, Jan. 10, 1955, p. 6.

Kamma domination will come and Reddi domination will go. These are facts that cannot be controverted by anybody who knows anything about Andhra.<sup>69</sup>

A newspaper correspondent reported during this episode that:

In recent years the rivalry between the Reddys of Rayalaseema and rich Kammās of delta districts has grown to alarming proportions. Congressmen have tended to group themselves on communal lines, and the Sanjiva Reddy-Ranga tussle for leadership which finally resulted in Ranga's exit from the Congress is a major instance in this regard. And rightly or wrongly the choice of Kurnool is looked upon by the Kammās as another major triumph for the Reddys.<sup>70</sup>

Ostensibly, the Congress stand for Kurnool in the capital dispute honored a 1937 commitment by Congress leaders from the delta that the underdog Rayalaseema area could have first claim in the location of the capital or High Court of the future Andhra State, with the delta getting the one left over. But in the 1953 wrangle there was more at stake. Both the Communists and the KLP were voicing not only the local pride of the delta communities seeking the capital, but real estate and mercantile interests as well.<sup>71</sup>

By the time the first Andhra Congress ministry had collapsed in November, 1954, a scant year after its installation, Congress leaders in New Delhi had come to realize that firm intervention from outside would be necessary to forge a united front for the new elections in February, 1955. From Jawaharlal Nehru down, there was a determination that the history of the 1951 Kamma defection should not repeat itself. For N. G. Ranga this was an important political moment in which his whole future as a Kamma spokesman lay at stake. Nehru summoned the forces of Ranga, T. Prakasam, Sanjiva Reddi, and assorted other anti-Communist Andhra leaders to map a united election campaign. Working closely with such Kamma Congress powers as Kotta Raghuramaiah, India's delegate to the U.N. Trusteeship Council, Ranga emerged from the negotiations with control over nominations in 38 constituencies as part of a Congress United Front, enough to assure a single Kamma entry by Congress forces in all Kamma strongholds. The regular Congress organization received 136 constituencies and the People's party, a Prakasam rump group comprising Andhra remnants of the defunct KMP, won control of nominations in 20 constituencies.

Although Sanjiva Reddi, leader of what by then was popularly called "The Rayalaseema Junta," sulked in protest against the very principle of alliance with Ranga,<sup>72</sup> the pressure for a joint front against the Communists was too much for him. The Congress high command assigned Bombay Congress strong man S. K. Patil to enforce factional unity. With the Congress camp united, independents shunned battle. There were 78 straight contests between

<sup>69</sup> "We Demand Free and Fair Elections," Parliament speech by P. Sundarayya, cited in *For Victory in Andhra*, CPI publication (Delhi, 1955), p. 13.

<sup>70</sup> *Times of India* (Bombay), June 16, 1953, p. 7.

<sup>71</sup> In "The Future of Andhra," *Thought*, Oct. 3, 1953, G. S. Bhargava reports that Kamma property owners in Vijayawada had confidently based land investments on the expectation that the capital would be there, and suffered heavy losses.

<sup>72</sup> "Rift in Andhra Congress," *Times of India*, Jan. 1, 1955, p. 10.



the Congress and the Communists, 65 more with only three contestants, and in only the remaining 53 was there the dispersion of 1951. The Communists, confidently dashing into the fray, had announced their candidate lists in the first week of December to place themselves squarely on the offensive. But this cut two ways: the Congress had time to march caste with caste in selecting candidates. The upshot was that in their delta stronghold the Communists won only 11 seats, two of these in reserved constituencies, as opposed to their 31 delta seats in 1951. A solitary Kamma was elected on the Communist ticket.<sup>73</sup>

Ironically, in 1955 their caste may in certain cases have been a liability to Kamma Communists. The defection of C.V.K. Rao, a Communist leader of the Devadasī caste, was openly trumpeted in anti-Kamma terms by Rao's election-rump "Communist Unity Centre." Handbills ridiculing Communist leaders as "Red landlords" sufficiently nettled them to elicit a special campaign appearance by Rajeshwar Rao. Announcing that he and his brother had donated the equivalent of \$40,000 over the years to Communist coffers, Rajeshwar Rao added: "I do not say that all our property is exhausted; there is still something left. We shall spend it, along with our lives, in the service of the people."<sup>74</sup>

The Communists made every bit as intensive an effort in 1955 as in 1951 to capitalize on the Kamma "social base"<sup>75</sup> in the Delta, running Kamma candidates in 29 delta constituencies. Underscoring the Kamma orientation of Communist tactics is the fact that in nine of these 29 constituencies, the Communist candidate was the only Kamma in the field.

With anti-Communist Kamma forces consolidated in the Congress, however, the Communists could not make their Kamma support a decisive factor in 1955. Confronted with a single Kamma opponent (see Table IV), the Communist Kamma candidate was in a defensive position. N. G. Ranga had recaptured the initiative in the contest for Kamma support by showing he could drive a hard bargain for the caste within Congress councils. The 28 Kamma Communist losers still won substantial support in their caste strongholds—an average 38.7 per cent of the votes. But this was a drop from an average 44.6 per cent polled by the 14 Kamma Communist winners in 1951.

Despite this six per cent decline in their Kamma strength, the Communists increased their popular vote in most of the delta just as in the rest of Andhra.<sup>76</sup> This is explained by the even distribution of their 1955 vote over a wide range of constituencies, in contrast to spotty 1951 voting concentrations in constituencies where they then enjoyed strong Kamma support. Unlike 1951, when the Communist Kammass fared better than other Communist candidates, the Communist Kammass in 1955 were on a par with the 34 other defeated Communist

<sup>73</sup> V. Visweswara Rao in Mylavaram constituency, Krishna District.

<sup>74</sup> *New Age*, Dec. 26, 1954, p. 16.

<sup>75</sup> This phrase is attributed to the Communist in "Caste Factor," *Times of India*, Feb. 1, 1955, p. 6.

<sup>76</sup> While the popular vote increased in Krishna, for the Communists their increase did not keep pace with the overall increase; the Communist percentage of the total in the district dropped from 48 per cent in 1951 to 44 in 1955.

candidates in the delta. Defeated non-Kamma Communist candidates in the delta in 1955 averaged 38.3 per cent, while in 1951 non-Kamma Communist losers had polled only 22 per cent, and even defeated Kammas had polled only 33.1 per cent.

The Communist share of Kamma support went a long distance with the Congress Kamma camp divided in 1951, but the Ranga-Congress alliance made Communist inroads on Kamma backing less significant in 1955. Nor did the issues fall on the Communist side in 1955 as they had in 1951. The Kammas responded to the general strength of the Congress cause, coupled with a successful appeal to the caste's economic stake in keeping the Communist party out of power. The Congress election platform stressed agricultural price support. The Communist press bitterly complained that propertied interests had ganged up against them. In a reference to Divi, the home constituency of the Kamma Rajeshwar Rao, the Communist weekly *New Age* declared that "all quarrels of caste or community have been forgotten. They [the landlords] have united to face the common people. They are all in the Congress now."<sup>77</sup>

While Congress leaders such as S. K. Patil deluged all Andhra with effective anti-Communist propaganda, the body blow to the delta Communists came from the fact that the veteran anti-Communist ideologist, N. G. Ranga, now had the prestige to make an effective appeal in the Kamma constituencies, the central arena of the contest. G. S. Bhargava reported from Andhra that credit for delivering the telling punch in the delta "must go to the KLP leader, Mr. N. G. Ranga, who for the first time carried the fight against communism into villages hitherto regarded as impregnable Communist fortresses."<sup>78</sup> A. Kaleswara Rao, a Grand Old Man of the Andhra Congress, wrote the author at the time polling was about to take place: "The Congress United Front formed by Pandit Jawaharlal Nehru, roping in Sri Ranga . . . is very successful in the Communist-infested districts, e.g. in central Andhra. The Kamma community, which is predominant in this area, have joined the Congress United Front with patriotism."<sup>79</sup>

The reference to patriotism is important, for undoubtedly the fact that a procession of respected national Congress leaders came to Andhra to denounce the Communists in unequivocal terms of nationalism played an important election role, not only in rousing Kamma support, but throughout Andhra. Jawaharlal Nehru attacked the Communists as "professional maligners of the Indian people."<sup>80</sup> Congress president U. N. Dhebar warned Andhra voters that "if one Communist state in India is established, our international strength will be lost."<sup>81</sup> S. K. Patil's posters and pamphlets blasted the Communists as out-

<sup>77</sup> *New Age*, Jan. 17, 1955, p. 3.

<sup>78</sup> G. S. Bhargava, "Verdict on Communism," *Ambala Tribune*, March 15, 1955, p. 4.

<sup>79</sup> Analysis prepared for the author, dated Feb. 19, 1955, Vijayawada. Rao has served on the All-India Congress Committee for over 30 years. He was elected a member of the Andhra legislature from the Vijayawada constituency in the 1955 election.

<sup>80</sup> *Times of India*, Jan. 16, 1955, p. 4.

<sup>81</sup> *The Hindu*, Feb. 8, 1955, p. 4.

right traitors, painting gruesome pictures of horror in China and the Soviet Union.<sup>82</sup> The fall of Malenkov on February 8, just as polling was getting underway, was a convenient reminder of past purges. Moreover, the Congress had dulled the ideological edge of the Communist appeal at its national session at Avadi in January by announcing a "socialistic pattern of society" as its goal. What hurt even more, the Communists were denied the support of Russian policy and its propaganda machine. *Pravda* published an historic editorial on the eve of India's Republic Day, January 26, marking the end of seven years of attacks on the Nehru government and confounding the Communists' election strategy. How could the Communists parade the banner of an international big brother who praised "the outstanding statesman, Mr. Jawaharlal Nehru,"<sup>83</sup> at the same time they were waging an election campaign against his party?

#### VIII. WILL THE KAMMAS AND REDDIS WORK TOGETHER?

By successfully making Indian nationalism a live issue in a state election, the Congress, still for all its sins a symbol of independence, was calling forth its trump card. The resultant election-time atmosphere was a complete reversal of 1951, when the Communists had been able to wrap themselves in the banner of the Andhra provincial autonomy movement and make Telugu patriotism a live ballot box issue.

But Andhra's formation as the first frankly linguistic state in India, while relaxing the tension between the Telugus and the central government, only heightened the political struggle among Telugu castes. The newly intimate confrontation of Kammas and Reddis in Andhra typifies one of the less obvious consequences of linguistic provinces in India. By and large, the endogamous group or subcaste in India is bounded on a linguistic basis.<sup>84</sup> Thus, the power relationship of castes to each other in a multi-lingual political unit with its many caste groups differs radically from the reality of their relationship in the smaller linguistic unit. The Kammas and Reddis were part of the welter of castes in the old Madras State, but in Andhra they face each other as titans.

Dr. B. E. Ambedkar, Nehru's former Law Minister, sees this through the eyes of an outcaste when he warns that the formation of linguistic provinces "means the handing over of Swaraj to a communal majority."<sup>85</sup> Switzerland, Ambedkar said in a Parliament debate, "has no difficulties as a multi-lingual state because linguism there is not loaded with communalism. But in our coun-

<sup>82</sup> See 'Nehru's Congress Filth,' *New Age*, Feb. 6, 1955.

<sup>83</sup> Cited in *Times of India*, Feb. 1, 1955, p. 3. The editorial also stated that the Indian Republic was "a peace-loving state upholding its national independence," which has "set itself to the grim task of gradually eliminating colonialism."

<sup>84</sup> Irawati Karve, in *Kinship Organization in India*, Deccan College Monograph Series (Poona, 1953), discusses the conjunction of caste and language region at length (esp. pp. 1-24); G. S. Ghurye, *Caste and Class in India* (Bombay: Popular Book Depot, 1950), p. 23, says that "in the beginning of the 19th century the linguistic boundaries fixed the caste limits." See also pp. 19 and 32; and J. H. Hutton, *Caste in India* (cited in note 17), p. 10.

<sup>85</sup> B. E. Ambedkar, "Linguistic States—Need for Checks and Balances," *Times of India*, April 23, 1953, p. 4.

try linguism is only another name for communalism."<sup>86</sup> "Take Andhra," he wrote, "there are two major communities spread over the linguistic area. They are either the Reddis or the Kammas. They hold all the land, all the offices, all the business. The untouchables live in subordinate dependence on them. Take Maharashtra; the Marathas are a huge majority in every village in Maharashtra. . . . In a linguistic state what would remain for the smaller communities to look to?"<sup>87</sup>

The broad implications of the conjunction between caste and language region and, more specifically, of the change in the vantage of castes which is likely to result from the formation of new linguistic provinces, deserve searching study. In the case of Andhra, it is already clear that political stability will depend to a great extent on the ability of Reddi and Kamma leaders to work together in a united government.

Developments since the 1955 elections suggest strongly that the future Kamma-Reddi relationship remains to be decided. At first, N. G. Ranga announced that the KLP, which had kept its party identity intact as a member of the election front, would return unconditionally to the Congress.<sup>88</sup> It was generally understood that Ranga had been promised the presidency of the Andhra Congress, with B. Gopala Reddi to be named Chief Minister. Reddi did become Chief Minister, but in the election of the party president, the forces of Deputy Chief Minister N. Sanjiva Reddi successfully fought N. G. Ranga with a Kshatriya candidate, Alluri Satyanarayana Raju. Ranga's defeat was a setback not only to Kamma-Reddi amity but also to the personal prestige of Gopala Reddi, and a signal for Sanjiva Reddi to assail him as a Kamma stooge.

A breakdown of Congress legislators elected in 1955 shows 85 out of the 146 deputies divided between the three major peasant proprietor subcastes, with Reddis the largest group (45), Kammas next (24), and the Telagas a newly-active political force (16) to be reckoned with. The Gopala Reddi cabinet reflected the Kamma and Reddi strength in the party's legislative ranks with two Reddi ministers (Gopala Reddi and Sanjiva Reddi), two Kammas (K. Chandramouli and G. Latchanna),<sup>89</sup> and two Brahmans (Kala Venkata Rao and Nageswara Rao). The Telagas, not yet able to make their weight felt, received no representation in the ministry; here may be the makings of a new "out" group. Further, subcaste divisions within both Kamma and Reddi ranks could harden into a still more complex array of political battle lines.

The Indian Government's announced intention to merge Andhra and Telingana in a "United Andhra" poses the prospect of a basic realignment in the power balance between Telugu castes. If this merger takes effect, the delta Kammas in the new larger unit would confront not only the Reddis of Rayala-

<sup>86</sup> "Ambedkar's Plea for Amendment of Constitution," *Hindustan Times*, Sept. 3, 1953, p. 3.

<sup>87</sup> B. R. Ambedkar, "Linguistic States—Need for Checks and Balances" (cited in note 85).

<sup>88</sup> "KLP to Join the Congress," *The Hindu*, March 1, 1955, p. 4.

<sup>89</sup> Latchanna is a member of the Sree-Sainas, a Srikakulam subcaste group kindred to the delta Kammas and organized politically by Ranga's KLP.

seema, but also the politically distinct Telengana Reddis—whose rivals on their home ground have been the Telengana Brahmins. Already the Reddi-Brahman rivals in Telengana and the Kamma-Reddi antagonists in Andhra can be seen each jockeying to establish ties across the border. To complicate matters still more, the Telengana Communist leadership lacks caste homogeneity. Ravi Narayan Reddi and a Brahmin, D. V. Rao, lead rival factions. How will these rivals adjust to their new common relationship to the delta Communist leaders?

Whether or not the solidarity of their leadership suffers in a United Andhra, certainly the Communists, in their efforts to make a comeback, will exploit caste disaffection wherever they can. In 1955 their campaign manifesto showed a new interest in such politically strategic Andhra artisan castes as the Kammari (blacksmith), Kummari (potter), Vadrangi (carpenter), Rajaka (washermen), Mangali (barber), and Ganda (toddy tapper).<sup>90</sup> As an opposition playing its main role outside the legislature, the party will be in a free-wheeling tactical position, able to step in wherever there is an opening in the Congress flank.<sup>91</sup>

The failure of the Andhra Communists to win strong legislative representation in 1955 is by no means a final political verdict. In doubling their popular vote, not only did their strength remain concentrated in their demonstrated stronghold, but also in two of the delta districts, West Godavari and Guntur, they increased their poll by as much as 16 per cent and 10 per cent respectively.<sup>92</sup> Furthermore, as *The Hindu* has pointed out,<sup>93</sup> "in a large number of constituencies they missed success by very small majorities."<sup>94</sup> These facts spell a clear warning against "underrating the threat to peace and progress that the Andhra Communist Party is still potentially capable of offering."

<sup>90</sup> A Communist-backed toddy-tappers' agitation in the summer of 1954 is noted in Marshall Windmiller, "The Andhra Election," *Far Eastern Survey*, Vol. 24, pp. 27-28 (April, 1955).

<sup>91</sup> The Congress government in Andhra appears to be assured its tenure until 1960 under Article 172 of the Indian Constitution, providing for five-year duration of state legislative assemblies. Under this provision Andhra need not elect a new legislature when the next general elections are held throughout India, probably in 1957. The formation of a united Andhra, incorporating Telugu districts now in Hyderabad state, could necessitate earlier elections.

<sup>92</sup> West Godavari, 195,024 in 1951 to 265,193 in 1955; Guntur, 289,932 to 392,268.

<sup>93</sup> "Andhra Verdict," *The Hindu*, March 9, 1955, p. 6.

<sup>94</sup> While the Congress margin of victory averaged 12 per cent in Krishna and West Godavari district constituencies, 16 per cent in Guntur, and 21 per cent in East Godavari, these margins do not represent crushing defeat when it is kept in mind that these were straight fights pitting a three-party Congress coalition on one side against the Communists on the other.

Moreover, the per cent of voting in delta constituencies for Communist candidates shows an average decline in Krishna only, from an average 48 per cent of the constituency vote in 1951 to an average 43 in 1955. In Guntur it increased from 40 to 41; in East Godavari, from 38 to 39; in West Godavari, from 32 to 31.

Outside the delta, where the Communists made virtually no effort in 1951, they emerged in 1955 with an average 22 per cent of the votes in 18 Vizagapatnam constituencies where they contested; 23 per cent in 12 constituencies, Srikakulam; 35 in 13, Anantapur; 26 in 8, Cuddapah; 30 in 11, Kurnool; 37 in 15, Nellore; and 34 in 11, Chittoor.

## CANADIAN PUBLIC ENTERPRISE: A CHARACTER STUDY

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Were evidence to be drawn only from very recent American experience, a strong case could be made for the notion that the status of business enterprise owned and operated by the government tends to be rather anomalous in a "free enterprise" country. Whatever may be said about the existence of a "mixed economy" in the United States, the philosophy of the Eisenhower Administration is plainly one which casts doubt on the legitimacy of public enterprise.

With American experience in mind, this article attempts to characterize the status of public enterprise in Canada, a country whose economic system is also based on private enterprise. In the Canadian "free enterprise" garden, how should the public enterprise plant be described—as a creeper vine, a hothouse flower, or a hardy but unspectacular perennial? To what extent has it affected its surroundings and in turn been affected by them? The study proceeds on the assumption that specific examples of public enterprise furnish the best basis for generalization about its character. The examples are confined to the national government in order to keep the study within manageable limits and to facilitate reference to American experience (although no extensive comparison is intended).

### I

On the surface, Canadian public enterprise resembles its American counterpart in several ways. In each country government-owned enterprise has been created in answer to the needs of the moment rather than in response to long-range plans or considerations of organizational symmetry. Too, markedly different purposes have been served by public enterprise in both Canada and the United States. A recent compilation indicates that there are in the Canadian government five credit and financial agencies, eight commodity trading and procurement agencies, a dozen producing and business agencies, and 16 management and research agencies.<sup>1</sup> Within each of these categories a similar diversity exists. The first category, for example, contains agencies whose respective functions are to lend to farmers, insure exporters against non-payment by foreign buyers, carry out a variety of activities in the field of housing, make loans to small industry, and perform all the functions of a central bank.

Equally familiar to Americans and Canadians is the virtually automatic use of the corporate form for government-owned enterprise. As in the United States, this organizational form has benefited from the respect in which it is held (for different reasons) by both businessmen and reformers. This phe-

<sup>1</sup> J. E. Hodgetts, "The Public Corporation in Canada," in *The Public Corporation*, ed. W. Friedmann (Toronto, 1954), pp. 56-58. Two of the second group of agencies are now being liquidated.

nomenon, in turn, has been perpetuated by the absence of a systematic attempt in either country to nationalize industry, using the corporate form as the vehicle. As a final point of similarity, haphazard employment of the public corporation for a number of purposes, variety in organizational attributes of different corporations, and concern about maintaining democratic control over corporations have combined to produce remedial legislation in each country. The Canadian counterpart of the Government Corporation Control Act of 1945 is the Financial Administration Act of 1951.<sup>2</sup> It attempts to classify "Crown corporations" into three categories on the basis of general purpose and degree of financial independence. "Departmental" corporations, at present 10 in number,<sup>3</sup> are described by the statute as "responsible for administrative, supervisory or regulatory services of a governmental nature." In terms of financial treatment, the Act lumps them with departments, and the only apparent reason for retaining the corporate form is to simplify processes of litigation.<sup>4</sup> The financial treatment accorded "agency" and "proprietary" corporations—the other groupings established by the statute—is similar to that ordinarily associated with corporations. By the terms of the Act, agency corporations are given somewhat less fiscal freedom than proprietary corporations,<sup>5</sup> but one observer has noted that "there is apparently no single factor determining into which category a corporation will be placed."<sup>6</sup> In differentiating the two groups according to purpose, the Act describes agency corporations (now 10 in number)<sup>7</sup> as engaged in trading, service, procurement, construction, or disposal activities, and proprietary corporations (now 14 in

<sup>2</sup> *Statutes of Canada*, 15-16 Geo. VI, c. 12 (2nd sess., 1951). Part VIII applies to corporations. It should be noted that the operation of this part of the Act is limited by (1) the supremacy of other statutes in case of conflict; and (2) the exclusion of five corporations. Two of the excluded agencies are joint Dominion-provincial boards, and the other three (the Canadian Wheat Board, the Bank of Canada, and its subsidiary, the Industrial Development Bank) are excluded for reasons which pertain to their respective attributes.

<sup>3</sup> Agricultural Prices Support Board, Atomic Energy Control Board, Canadian Maritime Commission, Director of Soldier Settlement, The Director, the Veterans' Land Act, Dominion Coal Board, Fisheries Prices Support Board, National Gallery of Canada, National Research Council, and Unemployment Insurance Commission.

<sup>4</sup> H. R. Balls, "The Financial Control and Accountability of Canadian Crown Corporations," *Public Administration*, Vol. 31, pp. 127-42, at p. 130 (Summer, 1953).

<sup>5</sup> Proprietary corporations escape from the following provisions: "Each agency corporation shall annually submit to the appropriate Minister an operating budget . . . for the approval of the appropriate Minister and the Minister of Finance." (Section 80 [1].) "The Governor in Council may make regulations with respect to the conditions upon which an agency corporation may undertake contractual commitments." (Section 83.) Proprietary as well as agency corporations are required to submit capital budgets for approval.

<sup>6</sup> Frank A. Milligan, "Financing the Canadian Crown-Corporations: General Financial Provisions" Seminar Paper No. 67, Seminar on Organization and Administration of Public Enterprises in the Industrial Field, Rangoon, Burma, March, 1954 (mimeo), p. 5.

<sup>7</sup> Atomic Energy of Canada Limited, Canadian Asbestos Limited, Canadian Commercial Corporation, Canadian Patents & Development Limited, Crown Assets Disposal Corporation, Defence Construction (1951) Limited, Federal District Commission, National Battlefields Commission, National Harbors Board, and Park Steamship Company Limited.

number)<sup>8</sup> as engaged in lending, financial, commercial, or industrial operations. Unlike agency corporations, proprietary corporations are "ordinarily required" to conduct their operations without appropriations, but in practice this description does not fit all of them.

In all likelihood, the most obvious difference between public enterprise at the national level in each country is the far greater scope of Canadian operations in the fields of transportation, communication, and (to some extent) production. Public corporations operate one of Canada's two large railroad systems (with such subsidiary services as express, telegraph, and hotels), and the only trans-continental systems in civil aviation, radio, and television (the last-named not fully completed). They conduct commercial operations at seven important harbors, mine and refine uranium, produce atomic energy and synthetic rubber, operate shipping lines, and furnish transportation and electric power facilities in areas of northern Canada.

The significant fact about the substantial scope of Canadian public enterprise in certain important economic areas, however, is that it does not justify automatic inferences about a pro-government ownership sentiment any more than Canada's reputation for financial conservatism justifies automatic inferences about its choice of private enterprise for each and every task. This will be more apparent after a review of the factors which delimit public enterprise territory in Canada.

## II

The operational area for government enterprise is bounded at its extremes by two familiar Canadian landmarks: (1) the tradition that the national government should act aggressively to establish and maintain national economic unity; and (2) the tradition of an economic system anchored on private enterprise. The first factor argues for the creation of sufficient government enterprise to assure accomplishment of the national goals; the second signifies the absence of an ideological drive to place industry in the government's hands.

The vital part played by the state in developing Canada has been noted often by the country's economists. "The role of the state in the economic life of Canada," Professor Alexander Brady has remarked, "is really the modern history of Canada. . . ."<sup>9</sup> Confederation itself, another economist has argued, "can be interpreted as a political adaptation to the unfavorable impact of the first industrial revolution in Canada."<sup>10</sup> At the very least, the Confederation

<sup>8</sup> Canadian Broadcasting Corporation, Canadian Farm Loan Board, Canadian National Railways, Canadian National (West Indies) Steamships Limited, Canadian Overseas Telecommunication Corporation, Central Mortgage and Housing Corporation, Eldorado Aviation Limited, Eldorado Mining and Refining Limited, Export Credits Insurance Corporation, Northern Transportation Company Limited, Northwest Territories Power Commission, Polymer Corporation Limited, St. Lawrence Seaway Authority, and Trans-Canada Air Lines.

<sup>9</sup> Alexander Brady, "The State and Economic Life," in *Canada*, ed. George W. Brown (Berkeley, 1950), p. 353.

<sup>10</sup> Maurice Lamontagne, "The Role of Government," in *Canada's Tomorrow*, ed. G. P. Gilmour (Toronto, 1954), p. 122.



document—the British North American Act—obligated the national government to undertake a commercial venture in order to bind the Maritime Provinces to Quebec and Ontario. Soon after satisfying this obligation by building the Intercolonial Railway, the government heavily subsidized the Canadian Pacific in order to reinforce British Columbia's links to the nation and to provide the first transcontinental railroad. The government also built canals, provided protective tariffs and bonuses for secondary industry, and opened the western lands to settlement. These actions performed the vital function of supplementing the inadequate efforts of private capital. Generally speaking, they were popular, as Sir John A. MacDonald's "National Policy" in particular demonstrated.<sup>11</sup>

The stimuli which made the state take an active role—"the pioneer nature of the country, the physical structure of the half-continent, the imperial sweep of settlement after 1867, the influence of the interesting ideas and instruments of Britain and the United States, and the quick response of the whole society to the advance of western industrialism"<sup>12</sup>—retain much of their force today. Partly this is so because it has been characteristic of Western society, in whose dynamic nature Canada shares, to advance constantly its concepts of minimum requirements. Thus, an old field of concern for the state—transportation and communication—has continued to challenge the government as new inventions have come along. In the case of transcontinental aviation and radio broadcasting, for example, the government chose to create public corporations in the 1930's to operate these services rather than allow chaotic private development. As examples of relatively recent actions designed to bind the nation together, the reasoning involved is worth considering briefly.

The swift advance in the commercial possibilities of air travel—as demonstrated by private air lines in the United States—had caught Canada by surprise. Private enterprise, in the opinion of the Liberal Government, was not up to the task of providing the nation with efficient transcontinental air service. Lamenting the fact that a "score or more" of private companies had ended on the financial junkheap, C. D. Howe, Minister of Transport, told the House of Commons in 1937: "Our task in Canada is to set up this service without all the lost motion that has been expended during the past ten years."<sup>13</sup> The creation of Trans-Canada Air Lines, a corporate subsidiary of Canadian National Railways, followed. At a later date, in reviewing the airline's remarkable progress, Howe tied T.C.A. into the tradition of national development in the following words:

<sup>11</sup> The term was popularized by MacDonald and the Conservatives in the campaign of 1878. Its meaning is generally restricted to the institution of the protective tariff, but cogent arguments have been made for subsuming the entire group of policies named above under the title. See V. C. Fowke, "The National Policy—Old and New," *Canadian Journal of Economics and Political Science*, Vol. 18, pp. 271-86 (Aug., 1952), and Brady, "The State and Economic Life," in *Canada*, pp. 38-59.

<sup>12</sup> Brady, "The State and Economic Life," in *Canada*, p. 353.

<sup>13</sup> *Debates*, House of Commons, Canada (hereafter referred to as *Debates*), 1937, p. 2215.

Facilities for transportation and communication have been among our most powerful tools in the fashioning of Canadian unity . . .

T.C.A. serves in the same high tradition. . . . Canadian distances have already lost much of their old significance . . . and a new sense of nationhood is being fostered by Canada's new accessibility to its citizens. In particular, Canadian industry and business have received a major stimulus from air transport . . .<sup>14</sup>

The creation of the Canadian Radio Broadcasting Commission (predecessor of the Canadian Broadcasting Corporation) in 1932 demonstrated that government ownership for the sake of national development was not a monopoly of the Liberal party. Radio broadcasting had to be under government auspices for three reasons, Conservative Prime Minister R. B. Bennett told the House:

First of all, this country must be assured of complete Canadian control of broadcasting from Canadian sources, free from foreign interference or influence . . . so that national consciousness may be fostered and sustained and national unity still further strengthened . . .

Secondly, no other scheme . . . can ensure . . . equal enjoyment of the benefits and pleasures of radio broadcasting . . .

[Thirdly] . . . the air itself . . . is a natural resource over which we have complete jurisdiction . . . I believe that there is no government in Canada that does not regret today that it has parted with some of these natural resources for considerations wholly inadequate and on terms that do not reflect the principle under which the crown holds the natural resources in trust for all the people.<sup>15</sup>

The years since the onset of World War II have witnessed a merger of the national development theme with that of national defense. Each reinforces the strength of the other. Does it aid defense or development more when, for example, public corporations mine and refine uranium or build transportation and electric power systems in remote, primitive areas of the country? The pace of events still outruns the capabilities of private interests in conquering Canadian geography alone, even if business wished to devote its efforts to relatively unprofitable projects. In view of world events and Canada's own ambitions, it is evident that continued government action of this sort will be needed in the foreseeable future.

The second familiar Canadian landmark that affects the scope of public enterprise is the prime role of private enterprise in the economy. The logic which gave an active economic role to the state has never been extended (except in platforms of the Cooperative Commonwealth Federation, the democratic socialist party) to the nationalization of industry. No huge existing industries have been taken over by the government, unless one includes the acquisition of the bankrupt railroads during World War I.

In the instance of the railroads, not only was the prosperous Canadian Pacific left intact, but the reasoning by which the other private railroads were acquired demonstrates the limited role of sentiment favoring public ownership. The onset of war had abruptly shut off the flow of immigration and of foreign

<sup>14</sup> *Debates*, 1945, p. 1358. A member of the Opposition responded with further words of praise "for what they [T.C.A.] have done in helping to develop the country" (p. 1359).

<sup>15</sup> *Debates*, 1932, pp. 3035-36.

capital, a situation which immediately threatened the solvency of several railroads that had just reached a period in their development when earnings might offset the heavy initial expenditure of capital and begin to repay extensive government loans made in the developmental period. The *Debates* of the House of Commons reflect the shock of the members at the grim turn of events—a shock made all the greater because of the rosy vision of Canada's future entertained especially by members from the Prairie Provinces. Although much time and energy were spent in recriminations and attempts to fix the blame for the "needless duplication" and "costly overbuilding" of railroads, the problem of what to do remained. Public ownership was arrived at only after a painful canvass of various alternatives. To let the railroads go into receivership was not considered a viable alternative because foreign investors had relied on the guarantees given by the national and provincial governments in connection with bonds issued by the railroads.<sup>16</sup> Default on the guarantees, it was felt, would affect Canada's credit adversely at the very time it was fighting a great war. Further loans to the railroads were out of the question because it was suspected that public opinion would not tolerate them, a feeling summed up by the Conservative Minister of Finance when he declared: "If the public does the financing, the public should enjoy the ultimate reward."<sup>17</sup> Government leaders were certain that public opinion would not allow the bankrupt roads to fall into the hands of the gigantic and prosperous Canadian Pacific.<sup>18</sup> Finally, once a segment of a transcontinental road was acquired from a bankrupt company, it was financially necessary to take over the rest of the line.<sup>19</sup> Thus, the acquisition of the Canadian Northern was followed by that of the Grand Trunk and the Grand Trunk Pacific.

In emphasizing that the Canadian government more or less "backed into" ownership of the railroads, it is not intended to imply that public ownership sentiment was non-existent. As a matter of fact, the *Debates* contain considerable evidence that the House was well aware of popular sentiment, especially in Ontario and the West, favoring government ownership.<sup>20</sup> Nevertheless, it is apparent that this sentiment did not govern the situation. The Borden Government drew a sharp line between taking over bankrupt railroads and wholesale nationalization, rejecting the latter as highly detrimental "to the credit of the Dominion and to our prospects for future financing."<sup>21</sup>

Just as pragmatic considerations outweighed public ownership sentiment in the acquisition of the bankrupt railroads, so they have prevailed in subsequent

<sup>16</sup> *Debates*, 1917, p. 4218.

<sup>17</sup> *Debates*, 1917, p. 4015.

<sup>18</sup> *Debates*, 1919, p. 1741.

<sup>19</sup> *Debates*, 1919 (2nd sess.), p. 1054.

<sup>20</sup> *Debates*, 1917, pp. 4275 and 4384, and 1919 (2nd sess.), p. 1057.

<sup>21</sup> *Debates*, 1917, p. 4015. It is true that the M.P.s' awareness of public ownership sentiment produced an almost ludicrous jockeying to gain credit for public ownership measures while denying a doctrinaire bias toward the principle. (See pp. 1811 and 2115.) Furthermore, several prominent Conservatives seem to have expected public ownership to play an increasingly important role as the industrialization of Canada proceeded.

ventures in public enterprise. In fact, freed of the elements of surprise and reluctance manifest in the railroad situation, the government has appeared to weigh practical aspects even more deliberately. One of the best illustrations is found in a debate on the government's proposals for liberalization of credit to small businessmen, farmers, and fishermen in 1944. The flexibility of the Liberal Government's approach was demonstrated by the fact that an Industrial Development Bank was proposed to handle loans to small businessmen, while the commercial banks were to be agents in making government-backed loans to farmers and fishermen. Highly practical reasons were offered for employing public enterprise in one instance and rejecting its use in the other.<sup>22</sup> In the course of debate government spokesmen were called upon to defend their stand against nationalization of all commercial banks, which had been demanded by the Cooperative Commonwealth Federation. The Minister of Finance took the position that:

The question of nationalization of an industry or a specific firm should not be one of ideology. We should neither shrink from nationalization because of an economic philosophy based on fear, nor embrace it rashly. . . . We should use it only where it alone can serve the public interest or can serve it better than any alternative form of organization. Commercial banking, I am convinced, is not one of those cases. . . .<sup>23</sup>

In his rebuttal, M. J. Coldwell, the C.C.F. leader, recited a number of alleged inadequacies in the banking system and emphasized that "It is on these grounds then, that we call for the national ownership and control of the financial system, and particularly the banks; not, as the minister suggested, on some doctrinaire theory that their socialization will destroy the present system."<sup>24</sup> This denial of a doctrinaire approach, it may be noted, came from a source usually identified as one of the most doctrinaire on the subject of public enterprise.

A highly pragmatic attitude, then, has consistently demonstrated its usefulness in any situation where the traditions of national economic development and private enterprise may come into conflict. This attitude has probably been able to emerge more easily because business and government are constrained by the circumstances toward moderation. Business cannot easily boast of an exclusive role in building the economy, as it tends to in the United States, for it is faced not merely with a history of government enterprise dating back to Confedera-

<sup>22</sup> J. L. Ilsley, the Minister of Finance, argued as follows: "The house will appreciate, however, that unlike the industrial development bank, which will operate with a relatively few offices and a comparatively small but highly skilled staff, a similar agency to provide intermediate credit for agriculture could do its job effectively only with literally thousands of branches or offices throughout rural areas readily accessible to farmers. Some of the United States farm credit organizations were considered as possible models, but . . . the same objective could be attained more speedily and effectively and at a fraction of the cost by a comparatively simple extension of existing lending facilities. Moreover, a new set of institutions would have taken years to build up and to equip with competent and experienced staff." *Debates*, 1944, p. 2558.

<sup>23</sup> *Debates*, 1944, p. 2547.

<sup>24</sup> *Debates*, 1944, p. 2718.

tion, but with an even more vital present. Furthermore, under the brand of Keynesianism practiced by the Canadian government, it has a close working arrangement with the government in the promotion of prosperity and industrial development.<sup>25</sup> Probably it is also restrained by a consciousness of its own limited strength, its vulnerability to a charge that subsidiaries of American corporations are prominent in its midst, and a fear that a reactionary stand might strengthen the hand of the C.C.F. and bring on nationalization. The government, for its part, has not exhibited—under either the Conservatives or the Liberals—any inclination to push public enterprise for its own sake; in this it has but mirrored its recognition and approval of private enterprise as the foundation of the economy. Although it has not shrunk from taking action necessary to attain the goal of economic unity, even if this has meant launching a commercial venture, it has done so only in response to demonstrated need.

This section has attempted to sketch a rough profile of Canadian public enterprise. The portrait takes fuller shape through consideration of some of the conditions under which public enterprise operates.

### III

The existence of public enterprise in a predominantly private enterprise economy inevitably poses certain problems of adjustment. Are units of public enterprise to be operated as a monopoly or in competition with business? Broadly speaking, shall public enterprise furnish an operating standard for private enterprise? Should the operating conditions of public enterprise be made as nearly like those of business as possible? An examination of the Canadian answers to these questions should help to evaluate the extent to which that country's public enterprise has affected, and in turn been affected by, a "free enterprise" setting.

It is consistent with the empirical nature of Canadian economic development that monopoly and competition exist side by side on the public enterprise scene without causing any apparent uneasiness. Public corporations have a monopoly in the production of synthetic rubber, atomic energy, and certain lines of munitions. Public enterprise is in direct competition with business in railroads, telegraph, and express services. It co-exists with private enterprise but does not enter into direct competition with it in such fields as aviation,

<sup>25</sup> See the "White Paper" issued by C. D. Howe, the Minister of Reconstruction and Development in 1945 (*Employment and Income, with Special Reference to the Initial Period of Reconstruction*, Ottawa, 1945); an article by Howe, "Industrial Development in Canada," *Public Affairs*, Vol. 11, pp. 207-13 (Dec., 19-31, in which the author lists "four principles underlying our industrial development program"; and O. J. Firestone, "Investment and Economic Development in Canada," *The Nation* (Canadian Supplement), May 31, 1952, pp. 18-20. For an indication of the extent to which business regards itself as a partner of government, see John T. Bryden, "Government and Business," in *Canada: Nation on the March* (Toronto, 1953), pp. 67-74, and Howard Gamble, "The Road to Tomorrow," *Canadian Business*, Vol. 27, pp. 22-24, 50 ff. (Jan., 1954). Gamble asserts: "There is in Canada probably a greater genuine liaison and rapport between government and business than in any other country" (p. 50).

radio, and credit. The line of reasoning which backs up the existence of each of these arrangements is worth examining briefly.

The justification for monopoly has ranged from the supposed inability of private enterprise to cope with a vital economic function to a desire to eliminate waste and duplication. The crown companies created during World War II under the auspices of the Department of Munitions and Supply<sup>25</sup> are the foremost examples of the first line of reasoning. The criterion used by the Minister was as follows:

If private business was able to carry out the war objective, private business was given that opportunity. The government has created Crown companies only to undertake work that private industry was not willing to undertake.<sup>27</sup>

For those few crown companies not liquidated by the coming of peace, further justification had to be sought. By way of example, it was found for Polymer Corporation Limited, the country's sole manufacturer of synthetic rubber, in the argument that business was benefited at a time of uncertain supply of foreign rubber, that no private rubber industry existed in Canada, and that "We would be glad to sell the Polymer Corporation to private industry, if private industry would buy it."<sup>28</sup> As with Canadian Arsenals Limited, the needs of national defense also played an important part in perpetuating the government monopoly.<sup>29</sup>

Elimination of waste and duplication as an argument for monopoly is best illustrated by the field of civil aviation, where the government's airline is the only transcontinental operator. The lesson derived from railroad over-building and resultant bankruptcy at the time of the First World War was not lost on the Liberal Government in creating Trans-Canada Air Lines in 1937. It was set up, the Minister of Transport said later, "to avoid the duplication of services that were the outgrowth of competitive building for profit in the field of surface transportation."<sup>30</sup> Its exclusive franchise recognized "the principle that our small population would not warrant competition on this route."<sup>31</sup>

Competition between public and private enterprise—as exemplified by the

<sup>25</sup> The Minister was authorized by statute to procure the incorporation of Crown companies under the federal Companies Act, 1934, or provincial companies acts—all statutes designed for the use of private corporations. Twenty-eight companies were created under the authority given the Minister. See J. de N. Kennedy, *History of the Department of Munitions and Supply*, 2 vols. (Ottawa, 1950). A few Crown companies survived the war, and authorization to create others has been given to several agencies since the war. The word "Limited" in the title identifies this special type of public corporation (see notes 7 and 8).

<sup>27</sup> *Debates*, 1946, p. 2176.

<sup>28</sup> *Ibid.*, p. 1517.

<sup>29</sup> See *Disposal and Peacetime Use of Crown Plant Buildings*, Department of Reconstruction and Supply (Ottawa, 1948), p. 3.

<sup>30</sup> *Debates*, 1944, p. 1573.

<sup>31</sup> Address by C. D. Howe, Minister of Trade and Commerce and Minister of Defence Production, Los Angeles, California, October 8, 1954 (press release).

railroad industry—finds its justification in the incentives it furnishes.<sup>22</sup> In 1917, when public ownership of all Canadian railroads was being urged on him, the Conservative Minister of Railways and Canals voiced his doubt whether “a government monopoly would be a very great improvement upon a private monopoly” because “once the incentive to service, which is brought about by competition, is removed it is not so sure that a monopoly, even if it be a public monopoly, would be the best thing for the public.”<sup>23</sup> One of the reasons given by Acting Prime Minister Sir Thomas White in 1919 for preserving the identity of the privately-owned Canadian Pacific when other railroads were being combined under government management was that “there should be two railway systems in this country, one of which will be, so to speak, a check, in the sense of efficiency in the administration, upon the other.”<sup>24</sup> The political virtues of this arrangement were recognized by R. B. Bennett, the Conservative Prime Minister from 1930 to 1935, when he gave a prominent place in his successful campaign of 1930 to the slogan, “Amalgamation? Never. Competition? Ever.”<sup>25</sup> But the depth of the feeling which it evokes is perhaps best illustrated by the following statement of a leading Canadian economist:

It is the hope of democracy in Canada that both [railroads] will continue to strive earnestly but that neither will succeed, and that the impossibility of running two competitive railways will continue. . . . We may hope that the aggressiveness of the Canadian Pacific Railway will keep politics out of the Canadian National and that the aggressiveness of the Canadian National Railways will keep the Canadian Pacific out of politics and out of the Canadian Treasury, and that the results will permit the continuation of democratic government.<sup>26</sup>

Despite the strength of the belief in railroad competition, it would be misleading to assert that competition begins to compare with monopoly as a guiding principle for public enterprise in Canada. Granted the existence of the powerful Canadian Pacific and the absence of an ideological drive for nationalization of all railroads, nothing was left to a government which had inherited various bankrupt railroads but to compete—and to compete vigorously—if the jumble of roads was to survive. The announced determination to operate the system “as though it were a private corporation”<sup>27</sup> and the appointment of a daring and experienced railroad man to head it testified to the vigor of the attempt, at least. Transcontinental aviation and radio, however, offer a contrast. Here private enterprise—partly because it lacked the substantial subsidies furnished the Canadian Pacific—never succeeded in establishing transcontinental links, and, after public enterprise entered the field, was deliberately

<sup>22</sup> Cf. the instituting of competition between public corporations in the fuel industry by the British Conservative Government. Ernest Davis, “Government Policy and the Public Corporation,” *The Political Quarterly*, Vol. 23 pp. 104-16 (April-June, 1955).

<sup>23</sup> *Debates*, 1917, p. 4217.

<sup>24</sup> *Debates*, 1919, p. 2110.

<sup>25</sup> The words were used in a speech broadcast to the nation from Winnipeg. Quoted in *Debates*, 1932-33, p. 2800.

<sup>26</sup> Harold A. Innis, *Political Economy in the Modern State* (Toronto, 1946), pp. 159-60.

<sup>27</sup> *Debates*, 1919 p. 1018.

precluded from doing so by governmental policy. Competition, in short, has been highly touted only where no practicable alternative to competition was thought to exist. Outside the area encompassed by the railroads and their subsidiary services, a deliberate policy of non-competition with business is in force, according to Liberal government leaders.<sup>38</sup> This policy reflects political wisdom in Canada because it maintains freedom of action for those occasions when an extension of public enterprise is called for,<sup>39</sup> and at the same time undercuts the argument that nationalization is the inevitable consequence of such an extension.<sup>40</sup>

Despite the appeal of a policy of non-competition, signs of unrest are accumulating in the areas of the public economy that lie on the border between monopoly and competition. In radio, television, and aviation—which have been split between public and private enterprise, with the major portion reserved to the government—circumstances favor continued, and perhaps increasing, friction. As the country becomes more heavily populated, industrialized, and wealthy, the “chosen instrument” policy, established in the pessimistic 1930’s, runs the risk of appearing unsuited to a young and vigorous land. The Canadian Association of Radio and Television Broadcasters has long agitated for the right to form a network of private radio stations and thereby enter into direct competition with the Canadian Broadcasting Corporation.<sup>41</sup> This argument and its corollary—that the Corporation’s regulatory powers over private radio stations should be turned over to an independent regulatory commission which would supervise the activities of both public and private radio—have been steadfastly resisted by the Cabinet, aided by the findings of a Royal Commission regarding the cultural needs of Canada.<sup>42</sup> The advent of television has in-

<sup>38</sup> For example, speaking of the successful government ventures in synthetic rubber production and uranium mining and refining, the Minister of Defence Production asserted: “. . . if they did not have monopolies they would be crown companies in a competitive field, which is contrary to government policy.” *Debates*, 1951, p. 2004. See also *Debates*, 1946, p. 2176.

<sup>39</sup> “The government has no intention of going into business unnecessarily. Occasions have arisen in the past where it was important and, I suggest, imperative, that the government go into business on a very large scale. Such occasions may occur again, and if they do I hope the government of that day will be bold enough to meet the situation.” C. D. Howe, Minister of Reconstruction and Supply, *Debates*, 1946, p. 1517.

<sup>40</sup> An illustration is found in a colloquy between C. D. Howe and a leading Conservative that occurred while Polymer Corporation was under discussion (*Debates*, 1944, p. 1715):

“Mr. Howe: ‘With what private industry does it compete?’

Mr. Diefenbaker: ‘It does not compete in the matter of manufacture, true enough, but it is actually the first move along the road to socialization.’

Mr. Howe: ‘It is a wholly non-competitive industry.’

Mr. Diefenbaker: ‘That is true.’”

<sup>41</sup> For a recent statement of the Association’s case, see the *Minutes of Proceedings and Evidence of the Special Committee on Broadcasting*, House of Commons, Canada, Seventh Session, Twenty-first Parliament, 1952–53, pp. 252–92 and 311–17.

<sup>42</sup> See *Report*, Royal Commission on National Development in the Arts, Letters and Sciences (Ottawa, 1951). As recently as March 31, 1955, Prime Minister Louis St. Laurent



tensified this basic disagreement. Television's rapid progress in the United States under private auspices, the availability of American television to certain Canadian viewers while others may not have even the single C.B.C. channel available the caution with which applications for private television stations have been granted by the C.B.C.—these factors have brought government television, which has been plagued by the high cost of extending its services in a vast, bilingual country, under a certain amount of public disapproval. Inasmuch as the government has announced its intention to complete a transcontinental microwave television network by 1958 to add to its two transcontinental radio networks, the "chosen instrument" policy appears under no immediate threat. Whether the Corporation will lose its regulatory powers to an independent board depends in no small measure upon whether Canadians will regard more seriously in the future the contention—borrowed from the separation of powers doctrine—that the C.B.C. should not "act at the same time as both controller and competitor, nor as both judge and litigant, nor as both judge and prosecutor."<sup>43</sup>

In aviation—where transcontinental routes have been monopolized by the government's airline, other domestic routes have been left to private industry, and international routes have been assigned to either—there has also been pressure from private interests for a policy of competition, although the excellent reputation of Trans-Canada Air Lines minimizes this assault. The stage is set, however for more vigorous competition with the government's chosen instrument than in radio or television, for there already exists a single powerful rival, Canadian Pacific Air Lines, offspring of the Canadian Pacific Railway and operator of all private international routes and nearly all of the private domestic routes. The government airline does not possess regulatory power over private interests, as does the Canadian Broadcasting Corporation, and only the timely intervention of the Cabinet has prevented at least one significant inroad on the public monopoly in transcontinental aviation. In 1953, after the Air Transport Board had approved the application of Canadian Pacific Air Lines to establish a competing air freight service across most of the continent, the Cabinet voided the action on the ground that the prospective volume of traffic did not yet justify duplicating the government's service.<sup>44</sup> Last year, however, the Cabinet made its first concession to competition in international routes when it approved a trans-Arctic service between Vancouver and Amsterdam, a shorter route to Europe than that used by Trans-Canada Air Lines.

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once more reaffirmed the government's policy with respect to the regulatory powers of the C.B.C. *Debates*, 1955, p. 2564 (daily edition). It should be noted, however, that in December, 1955, a Royal Commission on Television Broadcasting was appointed to consider *inter alia* "the licensing and control of private television and sound broadcasting stations in the public interest."

<sup>43</sup> Brief submitted by the Canadian Association of Broadcasters (as it was then called), *Minutes of Proceedings and Evidence of the Special Committee on Broadcasting*, House, 1952-53, p. 315.

<sup>44</sup> A. W. Currie, *Economics of Canadian Transportation* (Toronto, 1954), p. 544.

Reference to a current trend in the United States may bring the developments noted above into perspective. Under the so-called "businessman's administration" in the United States, the emphasis is frankly upon getting government *out of* competition with business. This was, in fact, one of the terms of reference of the second Hoover Commission.<sup>46</sup> At those points where Canadian business co-exists with public enterprise but is restricted in its actions (radio, television, aviation), the businessman's aim is to get *into* competition with the government. This seeming contrast yields quickly to a twofold explanation. First, it is apparent that the dissimilar aims listed above are but two different stages of a drive by business to improve its position vis-à-vis public enterprise. Second, the contrast is explainable in terms of each nation's economic development. In order to assure the nation of essential economic services it was not necessary for the American government to pre-empt certain vital areas of the economy, as the Canadian government was forced to do. Where Canadian business is confronted with pre-empted areas it naturally raises a clamor to enter the forbidden preserves. As economic growth continues, a logical expectation is that the forbidden grass will appear ever greener. Already such catchwords as the following are appearing in sections of the press: "... no economic or political principle in this country says that public ownership should be without competition, that it should have a right to monopoly . . ."<sup>46</sup>

The second question posed at the beginning of this section—whether Canadian public enterprise furnishes an operating standard for private enterprise—needs no extensive discussion. Undoubtedly, the Canadian National Railways sets a standard for the Canadian Pacific in the sense that the latter is conscious of a need to remain efficient in order to be certain of not being absorbed by its rival. The C.N.R.'s power to set standards is greatly limited by circumstances, however. Originally it had to integrate the operations of various inherited railroads, whereas the C.P.R. has combined its natural advantage of a unified structure with a fine record of efficiency. Consequently, the Canadian Pacific, more often than not, has been the pacesetter. Doubt has also been expressed—in various quarters and for different reasons—whether even such relatively similar forms of enterprise as the C.N.R. and the C.P.R. can be truly compared.<sup>47</sup> Finally, direct competition as a method of setting standards for private enterprise was arrived at almost accidentally in the case of the railroads, has not served as a precedent, and therefore has no standing as current public policy. Once away from the example of the railroads, not even the milder "yardstick" form of competition, as exemplified by the T.V.A., prevails as a method of assuring that public enterprise sets a standard.<sup>48</sup> As in the United States, business competition is chiefly relied on for obtaining good business behavior, and gov-

<sup>46</sup> *New York Times*, March 20, 1955, p. E7.

<sup>46</sup> "That C.P.A. Trans-Arctic Service" (editorial), *Ottawa Journal*, Jan. 24, 1955, p. 6.

<sup>47</sup> See, e.g., *Debates*, 1923, p. 1616, and 1932-33, p. 2771; also R. J. Manion (a former Minister of Railways and Canals), *Life is an Adventure* (Toronto, 1936), p. 295.

<sup>48</sup> A fact already noted by Professor Hodgetts, "The Public Corporation in Canada," in Friedmann, *The Public Corporation*, p. 54.

ernment regulation ranks ahead of government ownership as a method of reinforcing this approach.

To the third question—whether the operating conditions of public enterprise should be made as nearly like those of business as possible—the Canadian answer appears to be more strongly in the affirmative than might be expected. Two very different lines of reasoning support this answer: first, a concern that public enterprise should obtain a measure of business's secrecy and unity of purpose in operation, and secondly, that public enterprise should be exposed to as many of the normal business costs as feasible.

Influential in popularizing the first line of reasoning was the accident that the first major commercial venture of the Canadian government in this century involved strenuous competition with a private firm. From the start it was recognized by government leaders that the Canadian National Railways needed privacy and autonomy in its daily operations in order to compete with its able rival. Although the Liberals fought this notion vigorously as an invasion of parliamentary responsibility, they espoused it themselves after replacing the Unionist Government in December, 1921. Thus, Prime Minister Mackenzie King asserted that under the Liberals the president of the C.N.R. would always have "precisely the same degree of latitude and freedom as the shareholders of the Canadian Pacific would give to Mr. Beatty the C.P.R. president."<sup>49</sup> This point of view matched that of his Unionist predecessor who—exasperated at the flow of questions about the C.N.R.—asked the House: "... how is the Canadian National Railways directorate going to make a success . . . of its efforts to compete with the Canadian Pacific, if every day it is subject to having every action . . . disclosed to the public and to its competitor while . . . the competitor need disclose nothing at all?"<sup>50</sup> Business concepts, then, exerted a powerful influence at the formative stage in the development of the public corporation, even though it was always apparent that the public corporation could never attain the degree of autonomy characteristic of its opposite number.<sup>51</sup>

When public enterprise expands and diversifies in a "free enterprise" country, it is apt to run into a feeling that various cost factors facing business should also be charged to the operations of public enterprise. Curiously enough, this belief—which operates as a second factor in rendering public enterprise more like private—seems to have produced more tangible results so far in Canada than in the United States, despite the extremely vigorous stand of American business groups on the matter. Several bits of evidence in support of this statement may be cited.

<sup>49</sup> *Debates*, 1923, p. 3674.

<sup>50</sup> *Debates*, 1921, p. 1182.

<sup>51</sup> A point amply demonstrated by the harassed Liberal Minister of Railways and Canals, when he said in the House: "Suppose M. Beatty's shareholders met and stayed in session four or five months every year; suppose every day a portion of his staff was compelled to be taken from their work to answer all kinds of questions; suppose that . . . among his shareholders there was a large number who made no bones about declaring him and his board of management incompetent; what would Mr. Beatty do? He would resign in five minutes." *Debates*, 1924, pp. 2632-33.

Since 1952 the government's "proprietary corporations"—the group most nearly comparable to private enterprise—have had to pay federal income tax at the same rate as private corporations.<sup>52</sup> Levied in response to mounting agitation since World War II,<sup>53</sup> the tax was justified by the Minister of Finance as designed "to make the financial statements of these crown companies more comparable with private industry, and make it easier to assess the relative efficiency of their operations."<sup>54</sup> Moreover, the hope was expressed by another government spokesman that the provinces would now tax their own public corporations and thereby put them "in a position where a better or more accurate comparison can be made of the relative efficiency of publicly-owned corporations competing in the same field."<sup>55</sup>

Two other recent tax changes may be cited in support of the contention that the Canadian government has attempted to lessen the difference in operating costs between public and private enterprise. One is the government's instructions to public corporations to conclude agreements with municipalities for the payment of grants in lieu of taxes.<sup>56</sup> Undoubtedly, the principal reason for the directive was to satisfy the clamor of tax-hungry municipalities.<sup>57</sup> The connection between this step and the one just reviewed, however, was made plain by the Parliamentary Assistant to the Minister of Finance, who stated that "the principle is really the same in payment by federal corporations of both municipal taxes and federal taxes . . ."<sup>58</sup> A second pertinent tax change, announced in the Budget Speech of 1952, effected a substantial reduction in the federal income tax paid by privately-owned public utilities engaged in the generation and distribution of electrical energy, gas, or steam.<sup>59</sup> Although it was adopted

<sup>52</sup> *Statutes of Canada*, 1 Eliz. II, c. 29 (1952). The provision was an amendment to the Income Tax Act, *Statutes of Canada* (1948), 11-12 George VI, c. 52, which had provided in section 57 (1) (d) for exemption of "a corporation, commission, or association not less than 90% of the shares or capital of which was owned by His Majesty in right of Canada or a province or by a Canadian municipality."

<sup>53</sup> See, for example, *Debates*, 1946, pp. 1517, 2129, and 2150.

<sup>54</sup> *Debates*, 1952, p. 1253. The amounts paid by each eligible corporation can be ascertained quickly from their financial statements, which are published annually in Volume II of the *Public Accounts of Canada*.

<sup>55</sup> *Debates*, 1952, p. 2093.

<sup>56</sup> In November, 1949, Minister of Finance Douglas Abbott announced to the House that "in general the policy of the government will be to authorize its Crown corporations to work out fair and equitable agreements with the municipalities in which their properties are situated." *Debates*, 1949 (2nd sess.), p. 1706. In June, 1951, the Minister used stronger language to describe the situation, saying that the corporations had been "instructed" to negotiate agreements. *Debates*, 1951, p. 4217. The reason given by the Minister for permitting each corporation to work out its own "fair and equitable" agreements was that "the character of the operations of these Crown corporations varies a good deal" (p. 4224).

<sup>57</sup> See *Debates*, 1945, p. 1424 and 1946, pp. 1517, 2129, 2148, and 2163. The cities have no legal recourse if a corporation refuses to conclude such an arrangement. There has not been complete satisfaction with the size of the payments. See, e.g., *Debates*, 1951, p. 4226.

<sup>58</sup> *Debates*, 1952, p. 2092.

<sup>59</sup> *Ibid.*, p. 1253. The relief granted "will take the form of a deduction from the tax otherwise payable of an amount sufficient to reduce to 43 per cent the tax payable under

chiefly to forestall applications for rate increases by these companies, the Minister of Finance agreed with a member of the Opposition that "This clause will have a tendency to bring more nearly into line the activities of privately-owned utility corporations and those of publicly-owned corporations . . ."<sup>60</sup>

#### IV

Canadian public enterprise, as the foregoing pages demonstrate, is complex in character. It occupies only a modest segment of the economy, but it literally links the nation together. Although it has had a long history, it has never won the emotional allegiance of Canadians. Without an ideological drive to sustain it, it has achieved a vital place in the economy because of its decisive importance in the continuing task of nation-building. Exceedingly pragmatic as Canadian public enterprise appears to be, the consistency with which it is used in situations involving challenges to national economic unity virtually gives its motivating factor the status of a theory. Though this in turn renders public enterprise relatively uncontroversial, the four parliamentary parties do not hesitate to express varying notions about it, ranging from a reduction in its scope to nationalization of industry. In the face of this activity by party orators, however, "The average Canadian has something less than enthusiasm for arguing the merit of private versus public enterprise."<sup>61</sup>

Complex though its character may be, Canadian public enterprise generally obtains more candid and dispassionate treatment than is customary in the United States. Wholesale approval or condemnation of the principle of public ownership frequently yields to honest attempts to judge the performance of individual units of public enterprise.<sup>62</sup> Neither the extension of public enter-

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the Income Tax Act on that part of a corporation's taxable income that is derived from such distribution or generation." At the 1952 corporate income tax rate of 50 per cent, the reduction amounted to 14 per cent.

<sup>60</sup> *Ibid.*, p. 2845. Earlier, in response to complaints that provinces with privately-owned public utility companies were being discriminated against because publicly-owned companies in other provinces paid no federal income taxes, the federal government had arranged to turn over to a province half of the income tax collected from such private companies within its borders. This step and the 1952 reduction were regarded as parallel moves.

<sup>61</sup> W. A. Mackintosh, "The People and Their History," in *Canada: Nation on the March*, p. 13.

<sup>62</sup> For example, in commenting on the loss of 28 million dollars suffered by the Canadian National Railways in 1954 under Liberal auspices, a Conservative newspaper pointed to the reduction of 32 million dollars in operating expenses as proof that the loss "was not helped by failure on the part of management to economize." Falling revenues were blamed, and it was acknowledged that "it is not always possible to match falling revenues with cuts in costs." The railroad's plans for meeting competition were noted. Editorial, *Ottawa Journal*, March 23, 1955, p. 6. Earlier, in referring to the anticipated loss, the president of the C.N.R. was reported as viewing it as a "crushing disappointment," particularly because making a profit is essential for a public corporation "Exhortations from an executive officer are a poor substitute for the discipline of a profit and loss account." *Ottawa Journal*, Nov. 4, 1954, p. 38.

prise nor, on the other hand, its taxation, appear to have aroused major displays of public emotion. When such contrasting developments can occur almost simultaneously and in a relatively calm atmosphere, the explanation must go deeper than the difference between Canadian and American temperaments or forms of government, significant as these matters may be. Judging from the picture which has been sketched in these pages, the principal explanation may be that in Canada *laissez faire* never had the opportunity—through force of circumstances—to reach the status of a dogma or of an emotional catchword. It became neither a folk myth to which eternal allegiance was due nor a *bête noire* to be overcome at all costs. Consequently, to a very real extent the guiding criterion in Canada is that expressed by C. D. Howe, who is, fittingly, both a prolific launcher of public corporations and a highly successful businessman: “. . . there is only one test of the strength and weakness of either private operation or government operation, namely, which can best serve the need of the public of Canada.”<sup>63</sup> The reservation which must accompany this statement—and which points up Canada’s basic economic conservatism and kinship to the United States—is found in another quotation, this one by Prime Minister Louis St. Laurent: “. . . I think we are all most happy when free enterprise does what is required to be done and public authorities do not have to intervene.”<sup>64</sup>

<sup>63</sup> *Debates*, 1945, p. 1397. Behind this statement is another made by Howe on a different occasion: “We in Canada have always had to live by compromise. . . .” Address at Case Institute of Technology, Cleveland, April 10, 1953 (press release).

<sup>64</sup> *Debates*, 1952–53, p. 4764.

## EXECUTIVE POWER IN VENEZUELA

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Throughout most of its national history, Venezuela has been the victim of long and tyrannical dictatorships, broken only by brief spells of semi-democratic government. Constitution after constitution has fallen before the whims of self-made generals. Numerous major revolts and countless minor civil uprisings have scarred the country, all having the twofold objective of acquiring for their leaders national power for power's sake and the privilege of organizing Venezuela as a private economic and political domain.

In almost all instances the politicians have traveled a bloody road to national power. Having once established themselves in the presidency, they demonstrated considerable reluctance to observe the functional separation of powers decreed by the constitution. As a result of this attitude the legislature and judiciary were weakened to the point of impotence. The *raison d'être* of these branches thus came to be the legalization of the programs and activities of the executive, even if this meant, as it often did, violating the constitution. The purpose of this article is to examine the evolution and application of executive power.

### I. UNDERLYING FACTORS AND FORCES

The periods of dictatorship to which the Venezuelan people have been subjected have helped to condition them to the principles of authoritarianism in the organization and application of political power. It can be argued that the Venezuelan people themselves have encouraged and cultivated the development of *ejecutivismo* in government, for the struggle for personal power has been aggravated by a clearly-defined tendency of the people to associate themselves with powerful personalities rather than with programs and issues.<sup>1</sup> It has not been difficult in the past for any political aspirant, once having demonstrated his leadership abilities locally,<sup>2</sup> to acquire a sizeable following willing to support him in almost any political endeavor. The Venezuelan people, moreover, have been disposed to turbulence and excitement in their political life, and they have always been ready to utilize force and violence to achieve their ends.<sup>3</sup> Psycho-

<sup>1</sup> This tendency is by no means peculiar to Venezuela. See William L. Schurz, *Latin America* (New York, 1949) and Cecil Jane, *Liberty and Despotism in Spanish America* (Oxford, 1929) for a discussion of the trait as it appears generally in Latin America. The Venezuelan sociologist, Carlos Siso, in his *La Formación del Pueblo Venezolano*, 2 vols. (Caracas, 1951), Vol. 2, argues that even in the bloody struggle that marked the federal war in the middle of the 19th century thousands of men identifying themselves only with leaders, died without being aware of the cause for which they were fighting.

<sup>2</sup> See William S. Stokes, "Violence as a Power Factor in Latin American Politics," *Western Political Quarterly*, Vol. 5, pp. 445-68 (Sept., 1952)

<sup>3</sup> Ramón David León, *Hombres y Sucesos de Venezuela* (Caracas, 1952), p. 15.

logical factors such as these have been partly responsible for creating a political climate conducive to the growth of executive supremacy.

An examination of the milieu in which the acquisition and manipulation of national political power operate reveals three important elements: military influence, *caudillismo*,<sup>4</sup> and the philosophy of the democratic caesar (*cesarismo democrático*). All three were present as early as 1830 and were epitomized in a statement made at that time to the Venezuelan patriot, General Páez, by partisans who were advocating secession from the union with Colombia. "General," they said, "you are the fatherland." This declaration reflects as faithfully today as it did a century ago the outstanding characteristics of the attitude which has distinguished the relations between those who rule and those who follow in Venezuela.

The first of these factors, military influence, has been predominant in politics in Venezuela since the nation achieved independence in 1821. In the majority of cases the successful contender for the presidency was a man who had first demonstrated his power in regional military affairs. The roster of Venezuelan executives is notably lacking in men of a non-military status. Although it is true that in the 27-year rule of General Juan Vicente Gómez (1908-1935) several civilians occupied the presidency, they did so only with the acquiescence of Gómez, who tolerated no deviation from his wishes. Indeed, since 1894, only one civilian president has possessed real power in his own right. In 1947 the Venezuelan people elected Rómulo Gallegos to the presidency, by a plurality of 600,000 votes over the closest opposition candidate. Less than a year later the electorate saw him forced from office by a dissatisfied military clique, which announced that its greatest honor would be "... to demonstrate to the country that we know how to rule. . . ."<sup>5</sup>

Military affiliation and rank are still the most important assets in the politics of modern Venezuela.<sup>6</sup> The incumbent President, Marcos Pérez Jiménez, continues the strong military tradition. By a recent action of the Venezuelan Senate, he was promoted from the rank of Colonel to that of Brigadier

<sup>4</sup> Derived from the Spanish word *caudillo*, the term encompasses all the phenomena associated with the *caudillo*. Roughly equivalent to our political boss, the *caudillo* is a person who possesses the real authority in a given area. He may be a government official, but as often as not he has no official connection with the government. See Stokes, *op. cit.*

<sup>5</sup> *Gaceta Oficial*, Jan. 3, 1949.

<sup>6</sup> The Venezuelan constitutionalist Ernesto Wolf, in his *Tratado de Derecho Constitucional Venezolano*, 2 vols. (Caracas, 1945), Vol. 1, p. 401, asserted that the title of general had come to be a necessity for the discharge of the duties not only of the presidency but also of most other high offices. From 1945 until June of this year, however, the highest active military rank was that of colonel. Military rank is no longer essential for "other high offices" and in Congress, at least, a change of emphasis from military to academic rank has occurred. In the Congress of 1873, for example, 19 of the 30 senators and 50 of the 70 deputies were generals. In the present Congress (1953 figures) there are no generals. Fifty-five per cent of the Senators and 32 per cent of the members of the Chamber of Deputies carry the academic title of Doctor. See *Gaceta Oficial*, April 17, 1953.



General.<sup>7</sup> He rose to power with Army support and remains in power today because of it, despite his "election" by the Constitutional Assembly in April, 1953.

The second important power factor is the concept of *caudillismo*. Prior to the Gómez era, the presidents of Venezuela were able to exercise power only by placating, conciliating, or destroying the numerous petty provincial and regional rivals. Skill and diplomacy backed by force were necessary prerequisites for men striving to become *el presidente*. Each of these men saw himself in the role of national redeemer, fighting a righteous war to release the people from the iniquities of those who governed. The political machine of Guzmán Blanco (1870-1888) was enduring and effective because he was astute enough to come to understandings with local chieftains instead of ignoring their demands or fighting them.<sup>8</sup>

Regional leaders received different treatment at the hands of Gómez, who made it a practice to subsidize the *caudillos* by providing them with sinecures, thereby cementing their loyalty to him personally. The virtual disappearance of strong local leaders does not mean that *caudillismo* is dead in Venezuela. It means merely that provincial chieftains have been replaced by men who owe their eminence in national politics to their ability to placate and juggle the various power groups within the Armed Forces. The best evidence of this new trend in politics can be found in the documents released by the Military *Junta* in 1949 in an attempt to justify its overthrow of the government the preceding year.<sup>9</sup>

The documents clearly show that all segments of the Armed Forces were represented in the conclaves that preceded the revolution. Following the successful outcome of the revolt, the military forces collectively assumed the sovereign power of the people and vested it in a military committee or *junta*. The power distribution in this instance was effected not on regional bases, but rather on national military bases. The three men who exercised power did so by formal agreement with and the tolerance of the other national military leaders. Subsequent events brought about various changes in the composition of the *junta*, but the power remained firmly in the hands of the Armed Forces, represented by the person of Marcos Pérez Jiménez.<sup>10</sup>

Although regionalism no longer plays the significant role in politics that it did prior to the Gómez regime, nevertheless one element of it lingers on in the dominant position of the Andean states in the national power structure. In the

<sup>7</sup> Under Venezuelan law only the Senate may promote officers of the Armed Forces above the rank of Lt. Colonel.

<sup>8</sup> See Charles C. Griffin, "Regionalism's Role in Venezuelan Politics," *The Inter-American Quarterly*, Vol. 3, pp. 21-35 (Oct., 1941).

<sup>9</sup> *Documentos Oficiales Relativos al Movimiento Militar de 24 de Noviembre de 1948* (Caracas, 1949).

<sup>10</sup> In December, 1952 Pérez Jiménez dispensed with the committee form of government altogether and proclaimed himself Provisional President, even though his own newly-elected Constitutional Assembly, scheduled to meet in January, 1953, was charged with the task of electing a Provisional President.

last half-century, military elements in the Andean state of Táchira have furnished almost all of the rulers of Venezuela. Generals Castro (1903-1908), Gómez (1908-1935), López Contreras (1935-1941), and Medina Angarita (1941-1945) were natives of this state. It does not seem coincidental that the incumbent President is also a native son of Táchira.

The importance of the Andean region in politics is suggested in an interesting document ascribed to former President López Contreras.<sup>11</sup> In that paper a definite procedure was outlined for pressing the presidential candidacy of Pérez Jiménez in the elections of 1952. In the alleged opinion of López Contreras, Pérez Jiménez was the logical candidate for the high office. His election, Contreras argued, would fittingly round out 50 years of Andean rule. To this end he advised the candidate to launch his campaign in some central state and to end it in Táchira. He was cautioned, furthermore, to include prominent Andeans in his cabinet.

Andean pre-eminence in national politics has naturally given rise to bitterness and jealousy in the Venezuelan people, but so strong has been the power of that region that the people have been unable to take corrective action.<sup>12</sup>

The third factor that must be considered in an analysis of power factors in Venezuela is the philosophy of the democratic caesar, a doctrine made popular by Vallenilla Lanz during the regime of Gómez. In this era of "sonnets and sociology," it was only one of a number of efforts made by the supporters of Gómez to rationalize and justify his harsh dictatorship. The philosophy revolves around the premise that for Latin America dictatorship is not a necessary evil, but the ideal and appropriate form of government. The nature of the Venezuelan people, so the argument ran, excluded every system of government that was not a presidential dictatorship. Vallenilla Lanz asserted that the authority of the *caudillo* was founded on the "unconscious suggestion of the majority." He viewed Venezuelan society as made up of an unstable people who grouped themselves instinctively around wise, strong, and valiant men.<sup>13</sup>

The desire of Venezuela to separate from the Colombian union in 1826 was caused, Lanz says, by the attempt to substitute the impersonal prestige of the law for the personal prestige of the *caudillo*. The true character of Venezuelan democracy, according to the sociological school that espoused Lanz' doctrines, manifests itself in the predominance of a single individual sanctioned by the collective will of the people. In Venezuelan theories the democratic caesar always represents the popular sovereign. He is "... democracy personified, the nation made man. In him are synthesized those two antagonistic concepts: democracy and autocracy, that is to say, equality under a chief."<sup>14</sup> The democratic features of the various constitutions were the targets for the followers of

<sup>11</sup> *Hispanic World Report*, Vol. 2, pp. 17-19 (Dec., 1949).

<sup>12</sup> Ramón David León discusses this subject in his *De Agro-pecuario a Petrolero* (Caracas, 1944). See also the dedication in his *Hombres y Sucesos de Venezuela* (Caracas, 1952).

<sup>13</sup> *Cesarismo Democrático* (Caracas, 1929), p. 283.

<sup>14</sup> *Ibid.*, p. 307.

this doctrine, who were for the most part contemptuous of the constitutions of the country because they contained republican principles. Lanz agreed with Bolívar that Venezuelan society did not contain the elements necessary for the success of such principles.<sup>15</sup> Another disciple of the school called democracy a "mystic doctrine" and declared it was giving way to a national desire to make one's country great by "... utilizing all its forces, organized to function harmoniously through the control which can be exercised only by a Supreme Dictator."<sup>16</sup>

In the more liberal political period which followed the death of Gómez, the influence of the philosophy decreased. There is today, however, a resurgence of the *cesarismo* doctrine in Venezuela. It does not take much imagination to read into the actions and methods of the present government much of the political dogma of the philosophy.<sup>17</sup> Certainly the cult of the hero is not dead, for evidence of it can be seen everywhere. Huge posters of the President are conspicuously displayed and constant adulatory references are made to him in the press and radio.<sup>18</sup> The complete absence of press criticism of the President and his government can be traced in part to stringent censorship and in part to the sedition law of 1926 making it a crime to offend the President in any manner either orally or in writing.

## II. ELECTION OF THE PRESIDENT

Constitutional provisions dealing with the selection of the President of the Republic have varied. Since the turn of the century, however, the duty of choosing the chief executive has usually fallen to the Congress sitting as an electoral body. Congressional election of the President became an integral feature of the seven constitutions drafted under Gómez. His complete control of the Congress

<sup>15</sup> *Ibid.*, p. 220.

<sup>16</sup> Pedro Manuel Arcaya, *The Gómez Regime in Venezuela* (Washington, D. C., 1936), p. 59.

<sup>17</sup> In a recent interview noted in *Time* (Feb. 28, 1955), p. 29, President Marcos Pérez Jiménez said, "I make every effort to give Venezuelans the kind of government adapted to them. . . . We are still in our infant years and we still need halters. . . . There must be a leader who shows the way without being perturbed by the necessity of winning demagogic popularity."

<sup>18</sup> It is extremely difficult to learn from public utterances what the people really think about their President. While he is in office, the outward attitude toward him is one of abject servility. But experiences of the past have taught the Venezuelan leaders that fame is fleeting when they have been relieved of their command. The memory, statues, and properties of Gómez were reviled, destroyed, and confiscated in an outbreak of violence following his death in 1935. Yet earlier in the same year a member of Congress referred to him in the following terms: "There always surges from the bosom of the people a superior man, a light who illumines the way to the promised land, a Moses who, with his magical wand can cause not only the water to gush from the rock, but the spirit of love and fraternity to spring from the human heart. For us this man, with a soul as lofty as the clouds of his native Andes, is Juan Vicente Gómez." *Diário de Debates de la Cámara de Diputados* (Caracas, 1935), No. 1.

and the state legislatures insured his election year after year; either to the presidency or to the office of his choice. His repeated nomination and election by the Congress was possible because he had eliminated the constitutional prohibition against re-election.

During his long regime attempts were made to justify most of his activities. Thus it was asserted that his favored principle of indirect election of the President was the most suitable method for Venezuela, taking into consideration the backward conditions of the masses. Supporters of indirect election argued that the people were not capable of exercising suffrage intelligently because, easily influenced by their natural instincts and lacking the power to distinguish or appreciate superior spirits, they were prone to elevate to power persons of their own level.<sup>19</sup>

Methods of indirect election other than the traditional one involving the Congress have been experimented with in Venezuela. They include election by a Federal Council, by municipal councils and state legislatures, and by an Electoral Body. Influenced by his study of the Swiss Council, Guzmán Blanco in 1881 had his Congress draft a new constitution to create a permanent Federal Council. Each of the nine states of the Union was represented in the Council by a senator and deputy who were elected from the membership of Congress. It was further stipulated that the Council would select one of its own members as President for a two-year term. Casually ignoring these precise constitutional instructions,<sup>20</sup> the Council proceeded to choose Guzmán Blanco, who was neither senator, deputy, nor member of the Federal Council, to succeed himself as President.

In 1901 the election of the President was removed one step further from the people when the electoral prerogative went to the municipal councils and the state legislatures. Under this arrangement the official state candidate was the person who received a majority of votes in the various municipal councils of the state. The duty of the state legislature was to ascertain who this person was and to transmit his name to the national Senate, where the state votes were counted. The man who received an absolute majority of these votes was declared President.

Still another variation of the council idea was the Electoral Body of 14 members, established by the Constitution of 1904. Each of the states (whose number by now had been arbitrarily increased to 13), as well as the Federal District, was represented by delegates chosen by Congress from its own membership for the express purpose of naming the President. The Electoral Body was free to name one of its own members, or it could look elsewhere. The Body was dissolved following the discharge of its task.

Election of the President by Congress was embraced as a principle in 1909

<sup>19</sup> Luis Acosta Merlo, *El Poder Ejecutivo* (Caracas, 1917), pp. 24-25.

<sup>20</sup> *Constitution of 1881*, Article 62: The Federal Council elects the President of the United States of Venezuela from its own membership. . . . The election of any person not a member of the Council is null and void.

and continued to be standard procedure until 1947, when direct popular election was introduced.

Although the constitutions of Venezuela repeatedly have affirmed that the governmental system is based, among other things, on the alternative principle, the history of Venezuela demonstrates that real alternative government, that is, change of leadership, has been generally achieved, not through peaceful means, but through force and violence. The Supreme Court in 1940 finally brought theory into line with practice when it said that "... in our public law renovation or *alternabilidad* of the public powers implies renovation of command and not of persons."<sup>21</sup>

The bloody revolution of 1945 stemmed in some measure from the widespread feeling among the political opposition that President Medina Angarita would resort to *imposición* or the presidential practice of exerting subtle pressure on Congress to elect as his successor a man of his own choice. In view of the fact that Medina's political party completely controlled the Congress, the opposition was rightly pessimistic about the possibility of electing its candidate.<sup>22</sup> It was under these circumstances that the major opposition party, *Acción Democrática*, turned a willing ear to Army overtures and joined in the revolt against Medina's government. It was a foregone conclusion that the Constitutional Assembly elected in 1946 under the auspices of the *Junta Revolucionaria* (the committee of military officers and *Acción Democrática* men who ruled Venezuela following the revolt) would eliminate the provisions which had prevented their bringing about a change of leadership by legal peaceful means. The Assembly duly wrote the principles of direct, universal, and secret suffrage for public officials into the constitution. In 1947, therefore, Venezuela elected a President directly for the first time in its history. The result was an overwhelming, but shortlived, victory for *Acción Democrática* and its candidate, Rómulo Gallegos.

The same principles of election were reaffirmed in the 1953 constitution. Yet the members of the Constitutional Assembly, acting under a transitional clause appended to the constitution, reverted once more to indirect election to name Provisional President Marcos Pérez Jiménez as Constitutional President.<sup>23</sup> The transitory provisions, under which the Constitutional Assembly assumed the right to organize the public power for a five-year period in violation of the document it had just written, gives evidence of what can happen when a strong executive is backed by a subservient majority party.

It would be foolish to predict the future of the direct election principle, in

<sup>21</sup> *Memoria de la Corte Federal y de Casación*, 2 vols. (Caracas, 1941), Vol. 1, p. 198.

<sup>22</sup> Medina's party and *Acción Democrática* had both agreed on the same man, Señor Escalante. When illness forced Escalante to retire from the race, Medina nominated Angel Biaggini, former Minister of Agriculture. This man was totally unacceptable to *A.D.*

<sup>23</sup> The Constitutional Assembly also chose all the members of the National Congress, the state legislatures, and the municipal councils, a total of 1,802 men, plus an equal number of substitutes.

view of the fact that the will of the people, clearly expressed in the 1947 election, was set aside in such a short time. The opportunity to test its application will not arise again until 1958, if the present constitution and regime endure that long. Meanwhile, Venezuela is governed completely by men who owe their election, not to the electorate, but to an Assembly selected for the express purpose of writing a constitution.<sup>24</sup>

### III. THE INFLUENCE OF THE EXECUTIVE IN CONSTITUTIONAL REFORM

Venezuela has had 24 constitutions since independence. They have been written and discarded with such frequency that Venezuelans cynically refer to them as "little yellow books which are made every year and broken every day."<sup>25</sup>

This large number of constitutions can be attributed in part to the resort to violence to bring about political change. The fundamental laws of 1858, 1864, 1901, 1904, 1947, and 1953 were produced by constitutional assemblies convoked by the victors following the successful outcome of a revolt. The remaining number, and even those mentioned above, were motivated to some extent by the personal wishes of the strong man in government. Indeed, one of Venezuela's most eminent historians declared that the principal weakness of the Venezuelan constitutions lay in the fact that they were nothing more than responses to the whims of *el presidente*.<sup>26</sup>

The present pattern for amending the constitution was established in 1893. The document of that year stipulated that either Congress or three-fourths of the state legislatures in ordinary session could take the initiative in proposing amendments. Prior to this time, only states could initiate amendments. The procedure to be followed was that used in enacting laws. When the initiative came from Congress, approval by three-fourths of the states was necessary. If, on the other hand, Congress acted favorably on a matter proposed by the states, ratification by two-thirds of the states would suffice.

When one considers the dominant influence of the executive in government, it becomes clear that the provisions which permitted the Congress to initiate amendments lent themselves readily to manipulation by all-powerful presi-

<sup>24</sup> The office of the vice-presidency has had a chequered history in Venezuela. Abolished by the constitution of 1864, the institution was later reintroduced in 1904, when two vice-presidencies were created. Vice-President Juan Vicente Gómez soon demonstrated how the post could be used as a springboard to power, when he seized control of the government in 1908 during the absence abroad of the legal President. As Chief Executive, Gómez took immediate action to eliminate the office through which he himself had illegally come to power. Later, however, possessed by dynastic ambitions and feeling himself in absolute control of the government, he instructed his docile 1922 constitutional congress to restore the dual vice-presidency and to elect to the posts his brother and one of his many sons. Following the assassination of the brother and the disgrace of his son, he abolished the institution once more. It has never been restored.

<sup>25</sup> Wolf, *Tratado de Derecho Constitucional Venezolano* (cited in note 6), Vol. 1, p. 315.

<sup>26</sup> José Gil Fortoul, *Filosofía Constitucional* (Caracas, 1940), p. 12.

dents. The requirement of ratification by the states presented no real obstacle to frequent executive tampering with the constitution. The 1874 document, for example, was drafted by the national Congress upon the request of all 20 states. The Congress in 1881 submitted a draft project of a new constitution to the states at the request of President Guzmán Blanco. The states in turn unanimously requested the Congress to adopt all the amendments suggested by the dictator. The 1922, 1925, 1928, 1929, and 1931 constitutions of Gómez were approved unconditionally by all of the states of the Venezuelan union.<sup>27</sup> The unanimity with which the states have repeatedly accepted presidentially-inspired reforms clearly indicates that they have been powerless to check the impulses of the executive.

The proliferation of Venezuelan constitutions does not mean that they have differed radically from one another. Indeed, with one or two exceptions, notably that of 1947, they are greatly similar. It is customary in Venezuela to promulgate a new charter each time an amendment, however minor, takes place. The new document therefore differs from its predecessor only in the deletion or addition of certain sections or perhaps in new wording.

Within this framework of constitutional development, it is instructive to examine more closely the influence of the President in the process of amending the basic law of the land. A subservient Congress and controlled state legislatures have given the executives a blank check for all the changes they desire. Gómez, in his capacity either as Chief of the Army or as President, was personally responsible for seven constitutions. Following the *cóltepe de estado* of December 19, 1908, by which he ousted the legal President, he shrewdly used his powers as Chief of State to dictate a new constitution. In this way he forced the Congress and state legislatures to legalize his regime and caused the Congress to install him as Provisional President. During the four-month interval between his seizure of power and his election as Constitutional President, Gómez set about organizing the Republic in his own interests. A serious challenge to his power occurred in 1913, when deposed President Castro made an attempt to regain his office. Gómez personally took the field against him and defeated him.

Perhaps it was Gómez' desire to remain free to combat such insurgents and at the same time to retain his hold on the presidency that led to the curious performance in 1914. In that year Gómez discarded the 1909 constitution and presented his Congress of "plenipotentiary deputies" with a Provisional Constitutional Statute, which they promptly adopted. Such a singular method of amending the constitution was without precedent in Latin America. A puppet of Gómez, Márques Bustillos, was elected Provisional President under its terms. The Statute suppressed the Council of Government<sup>28</sup> and created in its

<sup>27</sup> See Ulises Picón Rivas, *Índice Constitucional de Venezuela* (Caracas, 1944) for a discussion of the various constitutions and their backgrounds.

<sup>28</sup> The Council of Government had been established in accordance with the constitution of 1893. It was composed of nine members, one from each state, elected by Congress for four-year terms. It had both deliberative and consultative functions.

stead the office of Commander-in-Chief of the National Army for the duration of the provisional government. The Commander-in-Chief was entrusted with powers ordinarily vested in the President, such as those dealing with the reorganization and command of the Armed Forces. The Congress elected Gómez to this post. The purpose of this wily maneuver became clear when the same body proclaimed a new constitution two months later in which the clause against re-election was eliminated. The Congress was then free to re-elect Gómez for a seven-year term. Appended to the constitution was a transitory provision which revealed a more subtle purpose of the Provisional Statute. Two articles are in point:

Art. 137. The Provisional President of the Republic . . . will exercise his office until the new constitutional officers take possession of their posts . . .

Art. 138. The Commander-in-Chief of the National Army will continue in his office until the Constitutional President of the Republic takes possession of his office and meanwhile the Provisional President will exercise in accord with the Commander-in-Chief the powers set forth in Articles 22, 23, 24, 25 and 70 of this constitution.

Under the terms of these articles, Gómez, who had been elected Commander-in-Chief under the Provisional Statute and Constitutional President under the 1914 Constitution, was free to choose which office he cared to exercise. Instead of assuming the presidency, however, he continued in his military post and vigorously set about organizing the defenses of the country. During the next seven years, therefore, Venezuela had the unique experience of having a Provisional President performing the functions of a Constitutional President-elect who did not choose to assume the office, but who nevertheless exercised all of its powers. In 1922 Gómez resumed open control of the destinies of the nation as President under a new constitution which combined once more the office of the presidency with that of Commander-in-Chief.

Presidentially-inspired changes are abundant in his 1925 constitution. Previous charters had forbidden presidential absences from Caracas for more than 25 days. This restriction irritated Gómez, who preferred to live in the city of Maracay. It was therefore deleted. In part, the 1925 document stemmed from the dictator's desire to find a formula for presidential appointment of state governors without destroying the form of a federal system. The solution appeared in clause 27 of Article 100. In that section the Chief Executive was empowered to exercise those state powers which the states in their several constitutions might delegate to him. The states thereupon obediently and docilely delegated to Gómez the right to appoint their governors. In spite of several attempts since then, they have never recovered the prerogative of electing their own executives.

Alterations in the fundamental law in response to presidential orders are not restricted to the Gómez constitutions. They can be found in almost all Venezuelan constitutions. The 1857 changes were occasioned by the desire of President José Tadeo Monagas to extend his term beyond the legal limit. Under his



tutelage the 1830 prohibition against re-election was eliminated, and the President's term of office was extended from four to six years. It has been alleged that this act initiated the custom of legalizing usurpations of power through the simple device of revising the constitution. Certainly it has caused Venezuela to fluctuate ever since between "anarchical tumult and despotic order."<sup>29</sup>

Still further evidence of *personalismo* is contained in the 1874 revision modifying the federal document of 1864. The reforms of this period were written into law at the express suggestion of President Guzmán Blanco. Although the term of office was reduced from four to two years, the principal reason for amending the constitution appears to have been the institution of the controlled vote, whereby electors were obliged to sign and deposit their ballots in the presence of election officials.

The most recent example of presidential influence in bringing about constitutional change can be found in the drafting of the 1953 document. The only draft brought before the Constitutional Assembly was that written by the leading members of the President's party in cooperation with the executive branch of the government. This party, the Independent Electoral Front, and its affiliates dominated the Assembly and were instrumental in strengthening the powers both of the President and of the central government. One result of the labors of the Assembly was to end once and for all the fiction that the states possessed the right to elect their own executives, a right which passed unconditionally to the national executive. Powers of the state legislatures and municipal councils were curtailed and their sources of revenue drastically reduced.

This recitation of presidential influence in constitutional development does not exhaust the list by any means, but it is long enough to lend support to the thesis that many of the changes have had their origin in nothing more than the individual will of the President.

#### IV. PRESIDENTIAL POWERS

*Extent of Presidential Powers.* The powers which the President of Venezuela has exercised in the past and may exercise today in an almost unlimited fashion are indeed extensive. Chapter III of the 1953 constitution, which deals with executive powers, divides them into three categories: those which the President possesses in his Council of Ministers; those exercised by him through his individual ministers; and those which belong exclusively to him. This is a purely formal division which has little practical meaning because the President has complete control over his ministers. It may be said, therefore, that he is in unrestricted possession of all three categories of powers.

In his Council of Ministers, the President may call extra sessions of Congress; issue and revise administrative regulations; create, suppress, or modify public services; conclude treaties, contracts, or agreements with other states; decree

<sup>29</sup> Ambrosia Perero, *Historia Orgánica de Venezuela* (Caracas, 1943), p. 147. See also W. S. Robertson, *History of the Latin American Nations* (N. Y., 1922), p. 410, and Picón Rivas, *Índice Constitucional de Venezuela* (cited in note 26), pp. 45-46.

additional credits to the budget; and initiate actions against officials in the government who give cause.

Through his individual ministers, the President's power extends to the administration of the national fiscal system; the direction of foreign relations; the nomination and removal of state governors and all other national employees whose appointment is not entrusted by the Constitution to other officials; the administration of territories and national dependencies; the establishment of standards for the utilization of the income of the states and the coordination of state budgets with that of the national; the negotiation of loans and the making of contractual agreements.

By himself the President may name and remove the ministers of the Cabinet; reserve any portfolio for himself, and delegate his powers to the minister of his choice; attach to his executive office any public service he deems convenient; declare war and negotiate peace when Congress so decrees; direct war, exercise those state powers delegated to him by the states in their respective constitutions, and exercise all other powers which the constitution and ordinary law vest in him.

In times of national or international emergency, moreover, the President, together with his ministers, may suspend the constitutional guarantees, either totally or in part, with the exception of the prohibition against the death penalty.

These powers taken in the aggregate bestow a tremendous grant of authority on the President and completely overshadow the paltry grants to the Congress. If there is any one section of the constitution which can be said to reflect the reality of modern Venezuelan politics, it is that dealing with executive powers.

*Exercise of the Presidential Powers.* In the abnormal situation brought about by the suspension of a constitution and the automatic dissolution of state and national legislative bodies which this entails, the executive has resorted to decree law to carry on the functions of government. In times of institutional normality, the President does not have to rely on decrees for ordinary law because his control of Congress is such that his legislative proposals encounter no resistance. In most matters he prefers to demonstrate his respect for the precepts of the constitution by working through his Congress. Even the strongest dictators of Latin America "... generally share the colonial Spaniard's awe of the letter of the law."<sup>30</sup>

Although the main body of Venezuelan law rests upon legislation duly passed by Congress, the President has been able to effect far-reaching and major governmental changes without consulting Congress. His power to do so comes from such constitutional clauses as those giving him the right to establish or abolish new public services. He has had a free hand in such important matters as the creation of new executive departments.<sup>31</sup> The Ministries of Agriculture and

<sup>30</sup> Schurz, *Latin America* (cited in note 1), p. 122.

<sup>31</sup> Other matters which seem more properly within the scope of the legislature have also been subject to executive action. Specific examples include the organizational laws

Livestock and Health and Social Assistance were created by executive decrees of López Contreras in 1936, just as the Ministries of Justice and Mines and Hydrocarbons were established by decrees of the Junta in 1950.

Apart from the more common use of the decree as a regulatory and implementing device, the power is frequently used by the President to provide additional credits to various sections of the departmental budgets.<sup>32</sup> In practice, the discretionary power which the executive enjoys with respect to the expenditure of public funds depends solely on whether the revenue received during the year is larger than that anticipated in the budget. Through his power to decree additional monies, the President in 1936 and 1937, for example, authorized additional expenditures totalling 40 per cent of the original budget. Similar figures can be cited for almost every year since that time.

Until 1945 the major portion of the additional funds was assigned to Chapter Seven of the budget of the Ministry of Interior Relations. Chapter Seven was devoted to "extraordinary expenditures of public service as they occur." This extremely elastic clause was allegedly used by Gómez as a source of generous gifts to his family and friends. Concerning the use of the Chapter, one Venezuelan authority critically comments that, although governments of every country provide secret funds for extraordinary expenditures, Venezuela exceeds them all. Chapter Seven, he argues, served to cover inadmissible expenses of public funds for purposes and ends that had no official justification.<sup>33</sup> The Technical Economic Commission supported this contention when it concluded that "without a doubt, a considerable part of the program to which these large sums were destined was formulated hastily, planned insufficiently and extravagantly, and thus did not reach their proper end."<sup>34</sup>

In the period 1914-1942, a total of 1,714 additional credits were decreed by the President in the amount of approximately \$32 million dollars. This sum represents a 20 per cent increase over the budgeted figures during the same period. Of this amount, 579 credits totaling about 41 million dollars were allotted to the account of Chapter Seven. It has proved impossible to account for the money spent, since it was customary to credit the funds in a lump sum without specifying details relative to their expenditure or control.

In numerous instances the executive made additional funds available to various departments within a matter of days after Congress had enacted a new budget.

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of the newly nationalized judicial system and the social security system. The vast *Centro Bolívar* project in the Center of Caracas and the fantastically expensive superhighway from Caracas to La Guaira both owe their existence to executive decrees.

<sup>32</sup> Additional credits to the budget began in 1914, when Gómez included the power in the constitution of that year, presumably because of the disturbance and emergencies which he thought World War I would bring to Venezuela. The power was not discontinued when the war ended.

<sup>33</sup> Ramón David León, *De Agro Pecuario a Petrolero* (cited in note 12), p. 142.

<sup>34</sup> A. M. Fox *et al.*, *Informe presentado al Sr. Ministro de Hacienda de los E.E.U.U. (Venezuela por la Misión Técnica y Económica* (Caracas 1941), p. 42.

Chapter Seven had become so notorious by 1945 that one of the first acts of the *Junta Revolucionaria* was to abolish it. There seems to be no reason to conclude, however, that conditions have changed much. Indeed, a Special Reserve Fund has replaced the infamous Chapter Seven as an instrument of executive power.

Large cash surpluses accumulate in the Venezuelan treasury as a result of the governmental practice of underestimating the national revenue. Since 1944 the President, acting upon data supplied by the Minister of Finance, has had the power to transfer these surpluses from the Treasury to the Special Reserve Fund.<sup>25</sup> It is from this Fund that the President may now decree expenditures of sums not authorized in the budget. At the present time the power of the executive in this respect is less fettered than at any other time in the past. Although the 1945 constitution specified that money had to be available and the expenditure necessary, the 1953 constitution does not impose these conditions. Nor does it specify that the expenditures have to be submitted to Congress for its approval, as was the case in preceding documents.<sup>26</sup> The Congress therefore possesses no effective power of the purse.

The limitations on the ends to which the Special Reserve Fund may be used are those which the executive himself sets up in his budget decrees. Article Four of the 1953-54 budget stipulates that the money of the Fund can be applied only to financing extraordinary works of public utility, to increasing the tempo of works already underway, and "for ends of fiscal compensatory policies when they may be considered beneficial to national interests." In view of the fact that the sole judges of these conditions are the President and his Council of Ministers, it would appear that the restrictions exist only insofar as these officials choose to respect them. It is clear, too, that the Special Reserve Fund is a source of tremendous power for the President and that in the hands of unscrupulous men it could be the means of great personal enrichment.

Because the government steadfastly adheres to the principle of a balanced budget and because it always spends more than it plans, recourse to the constitutional power of the President to decree additional credits has been necessary. Discussing the use of the device, the Technical Economic Mission saw no justification for the practice of consistently underestimating national income and expenditures. In the opinion of the Mission "... all the ordinary and periodical expenses are well known at the very moment the budget is prepared."<sup>27</sup>

<sup>25</sup> See, for example, the *Gaceta Oficial* for April 4 and June 7, 1952 for transfers of 30 million and 70 million bolívares, respectively.

<sup>26</sup> In practice the requirement of congressional approval for additional credits was of no importance. Congress, in recess the greater part of the year, was prevented from giving previous authorization. When it reconvened, it was presented with accomplished fact. The obligation of the President to prove the need for the additional sums was met by his sending the Congress the *Gaceta Oficial* in which the decree granting the credit appeared. See Wolf, *Tratado de Derecho Constitucional Venezolano*, Vol. 2, p. 275.

<sup>27</sup> Fox, *et. al.*, *op. cit.*, p. 272.

Another common use of the decree power of the President relates to the creation of the organisms known as "autonomous institutes." These are institutions established and regulated by federal law possessing definite legal personalities and their own property, distinct and independent from the national Treasury. The presidents of Venezuela have made repeated use of their legal power to create these institutes.<sup>38</sup> The establishment of these quasi-governmental bodies involves an initial investment of large sums of public money and the appointment of administrative personnel. Given the nature of the government in Venezuela, there can be no doubt that the personal influence and power of the President increase each time he adds a new service to the executive branch of the government.

One further use of the decree power should be noted. Like many other Latin American executives, the Venezuelan President has the constitutional power to suspend individual guarantees, either totally or in part, when in his opinion and that of the Council of Ministers situations arise which create or could create national or international emergencies. The 1947 constitution limited the President in this respect insofar as it required him to submit the suspension decree with his reasons to Congress within ten days of its promulgation. The 1953 charter does not bind him with such a limitation. It must be assumed, therefore, that legal requirements are satisfied when the President discusses the matter in his annual report to Congress.

The power to suspend individual rights is an effective political weapon in the hands of the presidents who have used it to protect their regimes from possible overthrow. Limitations placed on the guarantees in times of unrest and revolt or following violent changes in power have had a paralyzing effect on the political life of the nation. The curtailment of civil liberties in 1928, 1942, 1943, 1945, 1948, and 1950 affected, among other things, the inviolability of home and mail, records and account; liberty of travel; freedom of speech, press, and assembly; freedom from arbitrary arrest and the right not to be held *incommunicado*. In spite of the fact that the 1953 constitution contains ample guarantees of civil liberty, the citizens of Venezuela do not at present enjoy it in full measure, for the restrictive decrees of 1948 and 1950 have never been completely rescinded.

#### V. EXECUTIVE-LEGISLATIVE RELATIONS

Vis-à-vis the President, the Congress has been called an "assembly of employees" whose initiative extends mainly to erecting statues or approving degrees of honor or additional titles to the President, "... in other words to proclaim[ing] to the face of the earth their absolute submission to him who names

<sup>38</sup> Among those recently established are the Venezuelan Development Corporation, the National Institute of Sanitary Works, the Venezuelan Airmail Line, the National Agrarian Institute, the Institute of University City, and the Central Institute of Social Insurance.

them, gives them lucrative employment, and humors them when they ask for something."<sup>39</sup>

Wolf elaborates on this theme and offers as a partial explanation for the failure of Congress to achieve its rightful place in the scheme of government the fact that it is composed largely of public officials. In spite of clear constitutional prohibitions, public officials of all categories run for office in the national Congress. Senators and deputies circumvent the restriction by resigning temporarily from their other government posts. Their replacements clearly understand, of course, that these officials will return to their jobs when the sessions are over.<sup>40</sup> Taking into consideration the fact that the President appoints employees of the national government, and that state workers are named by the governor, who is himself an appointee of the President, it seems reasonable to conclude that any claim to independence on the part of the legislature is meaningless as long as this situation exists.<sup>41</sup>

The subservience of Congress to the executive is said to date from 1848, when President Monagas, in answer to a congressional attempt to impeach him, instigated mob action that led to the death of three deputies in the halls of the Capitol. It has been asserted that as a result of this action "... constitutional government in Venezuela was sacrificed, the legislature was made subservient to the executive, and law became dictatorial fiat."<sup>42</sup>

Venezuelan students of government generally agree that the main role of the legislature has been to enact into law, speedily and without modification, all proposals that come to it from the executive branch. Gómez' proposals were always translated into law exactly as they came from the dictator.<sup>43</sup> Since then, the power to initiate legislation has become almost exclusively an executive function. Although most of the recent constitutions have said that "laws may be initiated in either of the two legislative chambers by members of either or by the national executive power," the majority of bills originate in the executive departments. Recommendation by the President is enough to insure their passage. In the formulation of bills and particularly in the preparation of the budget, little attention is given to the wishes of individual legislators.

<sup>39</sup> R. Seijas, *El Presidente* (Caracas, 1891), p. 53.

<sup>40</sup> Wolf, *Tratado de Derecho Constitucional Venezolano* (cited in note 6), Vol. 1, p. 316.

<sup>41</sup> An effective civil service system does not exist. In the absence of standards and criteria for the selection and employment of personnel, the possibility of an individual's obtaining a government job varies in direct proportion to the strength of his kinship or friendship with the employing official. Or, as the Venezuelans say, "Fulano es amigo." The *personalismo* which pervades the government creates an atmosphere in which personal loyalty to the President or to his immediate subordinates constitutes the prime requirement for securing and holding a job. See Enrique Tejera, *Los Empleados Públicos* (Caracas, 1945), *passim*.

<sup>42</sup> W. H. Pierson, "Foreign Influence on Venezuelan Political Thought, 1830-1930," *Hispanic American Historical Review*, Vol. 15, pp. 3-42, at p. 18 (Feb., 1935).

<sup>43</sup> One *Gomecista* member of Congress, after the death of the dictator, was stung by criticism on this point. "Everyone knows," he said, "that orders accompanied every bill not to change so much as a comma." Cited in Wolf, Vol. 1, pp. 315-16.

This state of affairs led the Senate in 1945 to instruct its Committee on Public Finance to study ways and means by which the senators could compel the President to consider their financial wishes when the budget was being prepared. The Senate resolution went so far as to demand that the President give his reasons for failing to consider congressional recommendations in the budget. The Committee was astute enough to recognize the demand as unrealistic and informed the Senate that no way could be devised to fasten such an obligation on the President. The budgets are passed year after year with no modification or with very insignificant changes. In the light of the evidence, it appears that Congress can neither collaborate effectively with the executive nor control his expenditures. Indeed, the 1953 constitution specifies that the budget submitted by the President will go into force on July 1 of each year whether or not it has been approved by Congress. Such a provision makes a complete mockery of congressional control of the purse.

Further evidence of legislative deference to the executive lies in the automatic approval which the Congress unfailingly gives to the annual administrative reports which the President, his Cabinet, and the Supreme Court are required by the constitution to deliver to it. These officials appear in person before a joint session of Congress. The tremendous size of some of the reports and the speed with which they are approved indicate that for the Congress approval is a mere formality.<sup>44</sup> Certainly it makes no effort to analyze the contents, and almost never are the reports criticized. On the contrary, extravagant and flowery praise is usually heaped upon the President. The approval accorded to the report of Provisional President Marcos Pérez Jiménez in 1953 is typical. Doing little more than rephrase the contents of the President's message, the Assembly declared that it had reached the conclusion that Armed Forces overthrow of the government in 1948 was fully justified. The Provisional President was congratulated upon his conduct of the affairs of the nation during the four-year period in which Congress was not in existence.

*The Veto Power.* The veto power of the President of Venezuela is in many respects similar to that of the President of the United States. It is more extensive, however, in that it includes the item veto. The pocket veto, on the other hand, is unknown in Venezuela. In the extremely unlikely event that Congress should defy the President by passing a bill over his veto, the President must promulgate the law within five days or raise the issue of constitutionality and send it to the Supreme Court. The Court has ten days in which to rule on the validity of the law. If the statute is upheld, the President has no choice but to sign the bill into law within five days. Such an elaborate procedure has no practical meaning whatever, since the Congress rarely acts on any legislation that does not have its origin in the executive branch of the government. In any event, the Congress does not pass legislation which would displease the President.

<sup>44</sup> The 1953 Constitutional Assembly, in the midst of preparing a new constitution, approved the entire lot, some of which ran to five bulky volumes, in two weeks.

## VI. ADMINISTRATION

Presidential powers are formally exercised through the media of two executive institutions: the Cabinet and the Council of Ministers. Actually, these bodies are practically identical in personnel. "Cabinet" is the term used to designate the heads of the executive departments in their individual capacities.<sup>45</sup> The Council of Ministers, on the other hand, refers to the formal meeting of these officials under the chairmanship of the President. As has been mentioned above, the chief executive may use certain of his powers only with the concurrence of the Council of Ministers.

Rightly or wrongly, one may surmise that a legal limitation of this kind indicates a desire by the constitutional assemblies to restrain the executive in the use of the extensive powers granted to him. A closer scrutiny of the pertinent articles, however, reveals an inconsistency which, it can be argued, defeats the purpose of such an arrangement. Two articles are in point:

Article 111. The Ministers are the legal organs of the President of the Republic.

Article 115. The written order of the President of the Republic will not excuse a Minister from personal responsibility which he incurs through the illegal use of his powers.

If these stipulations mean anything, it is that the ministers are completely under the control of the President and have no more discretionary authority than he wishes to give them.<sup>46</sup> He does not countenance contrary opinions of his ministers, and members of his Cabinet who offend in this respect are quickly eliminated. The device by which this is accomplished is the well-established custom of mass resignation of the Cabinet. This action is always publicly held to be a voluntary and patriotic move designed to give the President a free hand to make the changes he deems necessary.<sup>47</sup> The dismissal of a minister is never made openly. In the majority of instances Cabinet resignation en masse has been followed by reappointment of most of the ministers, either to their former posts or to different portfolios.

Such changes in Cabinet personnel have been fairly frequent since 1936, over thirty reorganizations having occurred since January of that year. Only

<sup>45</sup> In 1954, for the avowed purpose of promoting greater administrative efficiency, the Congress authorized the President to divide the highest official agencies into three groups: National Policy, Production, and General Service. The National Policy Group includes the Office of the President, and the departments of Defense, Foreign Relations, Interior, and Treasury. Production comprehends the Ministries of Agriculture and Livestock, Mines and Hydrocarbons, Public Works and Labor. General Services is in charge of Justice, Health and Social Welfare, Communications and Education. Under this division the National Policy Group is responsible for general administration; Production concerns itself with the national development of the country's physical conditions; and General Service has the responsibility of advancing the moral, intellectual, and material wellbeing of the people. See *Venezuela Up-to-Date*, Vol. 5, p. 3 (June, 1954).

<sup>46</sup> *Time*, Feb. 28, 1955, p. 28 alleges that Pérez Jiménez "demands plenty of action, but he rarely needs or wants suggestions from his cabinet. He treats the ministers as a team of technicians; their two-hour Saturday sessions are brisk and businesslike."

<sup>47</sup> Wolf, Vol. 1, p. 415.



ten have involved major changes, however.<sup>48</sup> Wolf's complaint that a minister scarcely had time to familiarize himself with his job before he was removed is less valid today than it was in 1945. Since that date the tendency has been to retain capable ministers for an increasingly longer period of time.

Although the 1953 constitution does not specifically declare that ministers must enforce presidential decrees (as had been the case in previous charters), the existence of such an obligation is clearly implied in Article III. Constitutional restrictions on the employment of various presidential powers except through the medium of the Council of Ministers give rise to the ambiguous situation in which the minister is technically the colleague of the President in the Council of Ministers, but his subordinate in the Cabinet.

#### VII. SUMMARY AND CONCLUSIONS

The institutional authoritarianism which has characterized Venezuelan politics during its independent life continues in full force and vigor today. The concept of executive dominance expressed in such ideas as *cesarismo democrático* and the hierarchical structure of the executive branch make it possible for the influence and power of the national executive to extend to all levels of government and facilitate the implementation of the wishes and orders of *el presidente*. The Congress elects the judges of the Supreme Court from among men known to be sympathetic to the President and his program. The Supreme Court in turn selects the inferior judges from lists presented to it by the President. District attorneys and prosecutors are appointed solely by him. The function of presidentially-appointed state governors is to see that nationally-determined policies and programs relating to the states are carried into effect in as efficient a manner as possible.

In all instances policy originates with the President. His Cabinet and Council of Ministers are in fact subordinate to him and act mainly in a consultative capacity. Nevertheless, their concurrence in decisions made solely by the President is useful in the sense that it gives the appearance of multilateral consideration to a unilateral decision. This is particularly true when a measure is contemplated about whose popularity there is some doubt.

The intimate connection between the Armed Forces and the government has contributed greatly to the growth of heavy-handed presidential control of all government activities. Army circles have always been extremely influential in Venezuelan politics, and military methods in reaching a decision and in imple-

<sup>48</sup> Four have occurred since the revolution of 1945. The changes in administration from López Contreras to Medina Angarita brought about completely new cabinets, of course. López was responsible for 12 more shuffles, in which he shifted men from one post to another. In a four-month period one minister occupied three different ministries before being eliminated altogether. López moved at least ten men from one portfolio to another. Reshuffling the Cabinet was most common during the terms of López and Medina Angarita. It was used infrequently by the provisional governments of 1945-47 and 1948-52. The present regime has made several changes.

menting it have been utilized almost exclusively in designing governmental policy. Orderly development toward democratic government has been seriously retarded by the interference of the military in the governmental process. Indeed, it was dealt a severe blow when the Armed Forces in 1945 and 1948 abolished the Congress, state legislatures, and municipal councils.

Almost continuous military control of the government during the past 50 years and the fact that the present regime responds to the orders of a military President justify the prediction that the establishment of civil, responsible government in Venezuela is remote. It seems inconceivable that the Armed Forces, in their self-appointed role of saviors of Venezuela, will voluntarily relinquish their great political power. They may possibly permit some relaxation, but one may be sure that no regime will endure in which they do not have a weighty voice.

At the present time the Venezuelan military President and his political party control the national, state, and local units of government, and presumably they will remain in control until the expiration of their five-year term in 1958. At the end of that time a new electoral statute will almost certainly be promulgated. It seems probable that if the present regime is able to maintain its firm control, the provisions of the statute will be liberal. If there is political agitation in the country, it is altogether likely that an excuse will be found for not having elections at all. In any event, it appears highly unlikely that within the foreseeable future the Venezuelan people will be able to go to the polls in the expectation that their wishes will be respected. The orderly elections of 1947 and 1952 demonstrated that the people were ready for free, fair, and untrammelled elections and that they were both eager and capable of going about the process of choosing their leaders in peaceable fashion. It has therefore been discouraging for them to see their will flouted by men who, while proclaiming their steadfast devotion to the principles of democracy, have yet to demonstrate their respect for the democratic process. Violations of promises to honor the electoral results have disillusioned the Venezuelan people. The fiasco of their 1952 election endeavor and the alleged executive manipulations of the results have, without a doubt, dealt a blow to the growth of political maturity in Venezuela.

## RESPONSES TO PLANNED POLITICAL CHANGE IN A TANGANYIKA TRIBAL GROUP\*

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The rapid succession in which independence or a large measure of self-government has been achieved by dependent territories in Africa has been one of the more striking political phenomena of the postwar period. It would be rash indeed to prophesy the total eclipse of colonialism in the modern world, for the situations obtaining in Eastern Europe and Southeast Asia, as well as the fears expressed by the Ashanti in the Gold Coast and the southern tribesmen in the Sudan regarding the shape of the independent state, can be indications that political dependency can be reasserted in new forms. Nevertheless, the brand of Western colonialism which reached its zenith prior to World War I appears to be drawing to a close, and in a number of instances the metropolitan power concerned is actually planning the liquidation of its empire.

The causes of this vaporization of colonialism in Africa are complex. In some cases the significant factor is rooted in international politics, as in the military defeat of Italy or the encouragement given by Arab and Asian states to rising nationalist groups. In other instances the financial position of the metropolitan country or the anti-colonial policy of a major political party has been the crucial factor. Of equal standing with these causal factors have been the developments taking place within the dependencies themselves since the beginning of World War II. A number of forces leading to the disintegration of the existing social order have been intensified in this period, and frequently the basis for reintegration has been found in a demand for self-government. Some of the forces of disintegration, such as the impact which Islam or Christianity has made on the traditional value system, have been long in developing. In this category, too, would belong the mixed reactions of the Africans to the presence of European settlers: on the one hand, imitating the new techniques in agriculture and animal husbandry, and on the other, resenting the alienation of relatively fertile land. It has, however, been the impact which the large-scale governmental programs in economic and social development have made on the dependencies that has accelerated the process of social disintegration.

The disintegration has had a number of common manifestations. In the first place, there has been a shift from the predominantly subsistence economy characteristic of most African dependencies to one approaching a cash economy. This has broken into the parochialism of the peasant cultivator, turning his attention from the economic unit based on the village or the kinship group towards larger units of economic organization—trade unions and cooperatives—and larger territorial units in which to dispose of his crops or services.

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In some instances the new cash economy has upset social rankings by permitting peasant cultivators to purchase bicycles, pay their children's school fees, or acquire other benefits which had in the past been symbols of superior social rank. Moreover, the cash economy may also threaten the social station of those traditionally in control of the land. It does this either by emphasizing the importance of new forms of property, such as merchandizing, transport, and salary-earning skills, or by creating demands for private ownership of land.

A second feature of this disintegration has been the intensifying of role differentiation in the communities concerned. In many East African societies, for example, community role differentiation—apart from that which exists in the kinship groups—has been relatively slight. There may be a few individuals occupying distinct roles as chiefs, court elders, rain-makers, or blacksmiths; however, the majority of the people could be classified as "those who do the work of all," that is, cultivation, hunting, and animal husbandry. Under the impact of Christianity, formal education, and the recent development programs, new community roles have been added and old ones intensified. Thus, we witness the emergence of a new elite composed of teachers, priests, clerks, and medical assistants who are capable of granting or withholding community services and who have been anticipating a share in the respect, wealth, and political affairs of the community. Their emergence, in turn, has brought about a reaction from the traditional elite, which recognizes a threat to the existing order.

A third feature of postwar social disintegration has been the areal disparities in economic and social development within a given dependency. Thus, at the same time that the introduction of a cash crop is leading to the attainment of social cohesion within a larger territorial unit, it may also be contributing to the dissolution of historic tribal or regional cohesion or to the hardening of historic separatisms. Furthermore, just as individual Africans often regard their less-educated fellows with disdain, so also can a disparity in educational programs tend to result in a pejorative attitude on the part of a tribal group of superior education towards a tribal grouping which is largely illiterate.

While much of the social disintegration leading to demands for political reform has its roots in economic change, one must be wary of mono-factoral explanations. It may be that the economic changes in a territory are such that they (1) do not intensify community role differentiation but merely add the alternative generalized role of unskilled wage laborer, and (2) do not upset social rankings, because the benefits of economic change are largely retained by the existing elites. Cases in point might be the Portuguese territories in southern Africa and—outside Africa—the oil-rich Arab territories. Furthermore, even where the benefits are widely distributed in the form of health services and improved housing, and where the imparting of skills does lead to increased role differentiation, it may still be possible to control the type of education and external influences available to the new elites and thereby forestall demands for alteration in the political order. With many qualifying remarks about the overt use of force, motivations, and the nature of the control apparatus, this is

substantially what has been happening in the Belgian Congo until recently and in the Communist dependencies of Europe and Asia.

It would appear that economic and social changes are more apt to lead to demands for alterations in the political order when the administering authority either actively encourages, or at least does not take effective steps to prevent, the occurrence of certain activities. These activities vary from case to case, but a tentative list might include: the formation of popular associations; the establishment of Western-type universities; permitting students and others to travel abroad or have easy access to foreign visitors; the introduction of a legal system which stresses protections for the individual; the purchase of radios; relatively uncontrolled distribution of foreign books and periodicals; and the introduction of representative political institutions at some level or for some group within the territory. Admittedly, the above list "stacks the cards" in favor of conditions usually met in British and, to a lesser extent, in French territories; however, it is precisely in the dependencies of these two powers that African independence movements have been succeeding. Nevertheless, the policies of these two powers present some sharp contrasts. France rejects independence as a goal for the African dependencies in favor of immediate equal membership in the French Union; yet, she refuses to take the steps necessary for making that political equality a reality. Britain, on the other hand, holds out the prospect of eventual membership in a Commonwealth of independent states and has been actively engaged in planning for that eventuality. One may question whether British motives are based on altruism, self-interest, financial necessity, or a combination of these. One may also question whether the plans undertaken are best calculated to achieve the stated ends. However, one can hardly question that plans are being put into operation in Tanganyika and other areas of British Africa which are making significant alterations in the political order of the dependencies concerned.

The degree of success which a metropolitan power may achieve in planning political change in a dependency is conditioned by a number of factors. One of these is the character of the dependency relationship itself; that is, whether the relationship was established and sustained through the use of overt force or through the acceptance by the dependent peoples of certain benefits accruing from the relationship. There is, furthermore, the question of whether the political goals sought are actually obtainable in view of the economic conditions or certain cultural values prevailing in the dependent society. Closely related to this is the problem of how the transformations are to be brought about: through the gradual modification of existing institutions or through a rapid introduction of new institutional patterns. The former approach may in certain cases be better calculated to capitalize on existing loyalties in securing adherence to the new goals. In other cases, however, the existing institutions may constitute enormities which are repudiated by the new elites and which thwart the attainment of new goals.

A further consideration involves the character of the agents who are to effectuate the change. Questions arise concerning their number, racial origins,

familiarity with the local culture, and experience regarding the political system they are attempting to introduce. Much depends upon personal relationships, such as whether an attitude of intimacy or aloofness is required in dealing with the dependent people and whether the living style and social life of the agents divorce them from the local community. There is also the question of whether other individuals, such as settlers, priests, merchants, and private persons identified with the agents and the situation of dependency, may complicate the task of the agents in establishing rapport.

Finally, and probably most significant of all, there are the unplanned and—from the point of view of the goals sought—undesired responses on the part of the dependent people to the political alterations planned. Some of these responses may be the product of incompatibilities in the overall program of the administrators. Equally important, however, are the resistances which may be presented by the existing elites to the changes envisioned and the pressures of the new elites to accelerate the rate of change and divert the character of the change to forms more acceptable to them. It is this manifestation of selectivity that presents some of the greatest problems for political planners.

#### I. THE GENERAL CHARACTER OF SOCIAL CHANGE IN SUKUMALAND

The area selected to illustrate the problems of political planning is Sukumaland, which embraces five districts of the Trust Territory of Tanganyika. It includes within its confines over one million inhabitants, most of whom are Wasukuma. Although the Sukuma is the largest of Tanganyika's tribal groups, it constitutes only one-eighth of the Territory's total population and is but one of a polyglot mixture of over one hundred such groupings enumerated in the recent census. Consequently, events in Sukumaland can best be considered in the context of economic and social change and the administrative policy of Tanganyika as a whole.

During the period of German rule in East Africa (1885–1916), a certain amount of economic development had been carried out by way of rail and road construction and the introduction of cash crops. There was, however, a great areal disparity in development, with major efforts being concentrated on the accessible coastal strip or the fertile and healthful highlands areas around Kilimanjaro and Meru. Sukumaland, which occupies an inland position south of Lake Victoria and which had sleeping sickness, malaria, and recurrent periods of drought to offer the potential settler, missed many of the early effects of European contact. Moreover, unlike the Wachagga and other groups who resisted German rule and thus experienced closer administration during the period of pacification, the Wasukuma chiefs were in many instances openly friendly to the Germans. Consequently, the simple requirements of administration disturbed but slightly the existing social system. A similar paucity of contact obtained with respect to the activity of Christian missionaries, even though the White Fathers Order, the Moravians, and the American pastors and lay workers of the Africa Inland Missions early established themselves in Sukumaland. Here the extent of medical services was small and the educational facili-

ties were open primarily to the sons of chiefs and others who could afford the expense.

The rate of economic development slackened considerably after the Germans surrendered the Territory in 1916. In fact, during the first three decades of British administration Tanganyika was referred to as the "Cinderella" of the Empire. Many officials attribute the lack of private or governmental investment to the uncertain political status of Tanganyika as a League of Nations Mandate. Whatever the reason, administrative efforts in that period constituted little more than holding operations, with available funds having to be diverted to combat the famine which followed the recurrent seasons of drought and locust invasions or to alleviate disruptions during the depression.

During the Second World War, despite the reductions in European staff, the economic situation in Tanganyika began to alter considerably. The increased demands of the armed forces for cotton, sisal, cattle, and other products of Tanganyika led to an increase in the cash character of the Territory's economy. Economic changes were further intensified in the postwar period by the programs undertaken with funds from the United Kingdom's Colonial Development and Welfare Act. For the Sukuma economic system these events constituted somewhat of a "shock treatment," with the acceleration of cotton production being the prime factor. Prior to the war, agricultural production was largely subsistence in character. Cattle, of which the Wasukuma have close to a million head, played a significant role in neither a subsistence nor a cash economy; rather, as is true of many other groups in East Africa, cattle were a feature of the prestige economy and figured prominently in rites connected with birth, marriage, and burial. The attitude towards cattle has resulted in a mixed reaction on the part of the Wasukuma to the administration's economic programs. With regard to cotton, legumes, and other cash crops, they have needed only slight encouragement to increase cultivation, and it is from these sources that the bulk of the new prosperity is derived. One increment in the new prosperity, however, is received largely with reluctance. This is the income derived from the sale of cattle, many of which are sold as part of the compulsory destocking program. From a technical standpoint, destocking can be justified as a soil conservation and animal husbandry measure; nevertheless, the cultural values associated with the ownership of cattle persist, and destocking has presented a source of discontent among the more conservative peasants which has been utilized by popular leaders in their campaign against the existing political order.

Concomitant with changes on the economic front which were adding new groups of wealthy cotton growers, small traders, and transporters to the Sukuma communities, changes were also taking place with regard to educational and social service programs of the government. Again leaving aside the question of British motivations, it can be noted that these programs have done much to raise the standard of living of the people of Tanganyika. In Sukumaland, for example, good progress has been made in the eradication of malaria, bilharzia, and other endemic diseases. Through grants to local authorities or the missions,

the government has come close to achieving its ten-year target of having 28 per cent of Sukuma children enrolled in primary schools. Furthermore, although they are in many instances highly unpopular with the Wasukuma, a number of programs have been introduced for conserving or developing water, soil, forests, and other natural resources. These programs have further intensified community role differentiation by increasing the ranks of teachers, agricultural instructors, rural medical aides, and other natural resources personnel.

The new elites have in fact been insisting upon a greater share in the political order of Sukumaland, but it is a matter of question whether they would have been demanding this as early as they did had it not been that the administration has actually been insisting upon the inclusion of these new elites in the political affairs of Tanganyika. Furthermore, since the administration is planning the political changes, it is evident that they would prefer to have the new elites participate in the evolution towards self-government in accordance with plans devised by the government.

Political planning in postwar Tanganyika has had three main features. The first of these concerns the level at which political reform is to begin. While it is true that much has been done by way of reconstituting the legislative and executive councils and other territorial institutions, the main burden of political reform has taken place at the local level. In part this tendency may be attributed to the value which the British themselves place upon local government in the United Kingdom. A more telling reason, however, seems to lie in the fact that "Tanganyika" is a term which has political significance to Europeans, Asians, and a small, although growing, number of African civil servants and members of such organizations as the Tanganyika African National Union. The overwhelming majority of Africans have their political interests attuned to a much smaller unit, approximating the tribal group. Even the tribal group may be beyond the political horizon of many Africans, for the fact is that in pre-European times the Sukuma, Nyamwezi, Ha, Chagga, and other large groups each lacked centralized political authority. In the case of the Wasukuma, the tribal group was divided into more than 50 autonomous chiefdoms. The term Wasukuma merely designated a group of people who lived in the northern part of the cultivation steppe, who spoke a common language, observed similar customs and laws, and had social links based on the spread of kinship ties throughout the hinterland chiefdoms. Inter-chiefdom hostilities within tribal groupings have persisted even where the British have created tribal-wide councils, and inter-tribal hostilities are even more evident, as in the armed clashes which the Wasukuma have on their borders with young Masai warriors. Tribal separatist attitudes, even among the emergent elites, have been manifest in the reluctance of the powerful tribal-based political associations in Buhaya and Uchagga to affiliate with the territorial-wide Tanganyika African National Union.

The second broad feature of postwar political planning is the vehicle through which the reforms are being introduced. Under the influence of Governor Sir Donald Cameron, who had served under Lord Lugard in Nigeria, the system of indirect rule was introduced into Tanganyika in the middle 1920's. Under this



system an attempt has been made to utilize traditional authority systems as vehicles for local administration. Some of the difficulties involved in the application of this policy will become clear in subsequent comments upon the traditional authority system of the Wasukuma. The general policy in the postwar period still looks to the utilization of chiefs in local administration even though in some areas indirect rule has been completely abandoned and in other areas substantial modifications have taken place with regard to the authority of the chief and the creation of representative institutions.

The third feature of postwar planning concerns the nature of the new political institutions. Although the reforms were initially subject to a great deal of experimentation, it became apparent by about 1950 that the general pattern of local government sought for Tanganyika was one based on the English system, with the multi-purpose local council being the cardinal feature. Depending upon the area and population of the unit, as well as historic associations, the local government of a unit may actually consist of a pyramid or tier of councils serving levels from the village to the district or even a county. It is only at the higher levels, however, that financial responsibility is granted with respect to levying rates and cesses and to planning and spending for social service and natural resource development programs. The lower-echelon councils are largely electoral bodies and inter-communication forums for ascertaining grass-root sentiments and disseminating information regarding the work of the superior councils. These councils are to be representative bodies, including traditional authorities as well as members of the new elite groups, and including councillors chosen from the diverse tribal and racial groups resident within the unit. For Sukumaland, the crucial problem has been whether these and other political innovations can be acceptable to both the emergent groups and the traditional leadership.

## II. THE TRADITIONAL AUTHORITY SYSTEM OF THE WASUKUMA<sup>1</sup>

The lack of centralized political authority among the Wasukuma in the pre-European era meant that there was not one authority system but rather 50 or more parallel systems; however, the similarity of political institutions throughout Sukumaland justifies one's speaking of "the" traditional authority system. Each chiefdom was in large measure a politically autonomous unit, although temporary military alliances among chiefs who belonged to the same royal clans were often arranged. There was no subordination of one chiefdom to another, even though a number of chiefdoms originated by "hiving off" from larger units and even though chiefdoms suffered defeat in war. In the latter case, a victorious chief might ravage the fields and carry off slaves or cattle, but he was afraid to risk the vengeance of the ancestors of the defeated chiefdom by incorporating the area within his own domain.

The dominant feature of the internal political system was the prominence of

<sup>1</sup> In addition to my own findings, I am indebted here to the writings of Hans Cory, especially *The Ntami* (London, 1951) and *The Indigenous Political System of the Sukuma* (Nairobi, 1954).

the hereditary chief, who on cursory examination might appear to have exercised autocratic powers. His role as supreme magistrate in his chiefdom extended to judgments involving the death penalty and confiscation of all the property of the convicted party. Moreover, the payment to the chief of annual and extraordinary tribute in the form of cattle, grain, or labor; his collections from court fines and fees; and his share in the distribution of the product of a tribal hunt made him the only truly wealthy person in the chiefdom. He was able to use his wealth to reward the faithful and withhold benefits from the obstinate. Furthermore, although few chiefs appear to have been military field commanders, it was, nevertheless, the chief who decided the issue of peace and war and distributed the spoils. Much of his success in warfare depended upon the strength of his elite guard, which was composed of specially trained slaves who stood in a client relationship to the chief. In exchange for a high share in the spoils, they provided protection for the chief against external invasions and against internal threats to his authority. An additional client relationship existed between the chief and the headmen, who assisted him in hearing minor court cases, collecting tribute, and allocating land in their areas. Since many of the headmen were sons of chiefs and thereby excluded from the succession under the prevailing matrilineal system, they constituted no threat to his authority.

It is not merely the multiple roles of the chief and the institutionalization of group supports for his authority which give one the impression of autocracy. The basis for this impression is the fact that one of the main supports for chieftaincy authority is his putative magico-religious powers to secure success in battle, the arrival or abatement of the rains, a good harvest, or the termination of an epidemic or a locust invasion. This semi-divine character of chieftainship was made manifest to the people in the ceremonies performed at the time of his enthronement and in the rituals connected with the annual agricultural cycle and in times of crises. The consequence of this is that responsibility for the performance of chiefly duties appeared to lie not so much with the people as with the tribal ancestors, who indicated their approval by bringing good fortune to the chiefdom.

In probing more deeply into the character of the traditional system, the impression of autocracy is considerably diminished. The dependence upon magico-religious supports was a precarious one at best in a land where drought and pestilence are recurrent phenomena. It was in times of "failure" in the chief's powers that responsibilities to empirical sources internal to the social system became evident. In a minor crisis, banishment of the witch-doctor who acted as the chief's intercessor might be a sufficient remedy in appeasing the people. In more serious crises, when famine was threatening, the true character of the chief's tribute, as a tribal bank, was clearly revealed in the distribution of meat and grain to the people. If the crisis persisted, only the past successes and benign character of his rule were sufficient to save a chief; and the remembered histories of a number of Sukuma chiefdoms are replete with cases of deposition of chiefs who "failed" in their magico-religious duties.

In addition to this vague responsibility to "the people" manifest in times of

crisis, there were institutionalized checks on chieftaincy autocracy that were in operation at all times. One of these was the authority of the Banang'oma, or royal courtiers. The Banang'oma were the brothers and maternal uncles and cousins of the chief, who were eligible to succeed him. They thus had a proprietary interest in preserving the reigning dynasty equally against external attack and from internal disintegration, which might result from an injudicious use of chieftaincy authority by the incumbent. In many respects the courtiers acted as a council of state, shielding the chief in public and thereby enhancing the impression of divinity, controlling his public and private affairs, attending to his burial (which included hurrying the process along if a wasting disease threatened the notion of divinity), and electing his successor from among a host of candidates.

In addition to the royal institution, popular organizations in the Sukuma villages, such as the dance societies and those based on the age-grade system, also served as counter-balances to the exercise of chieftaincy authority. This was manifest in several respects. In the first place, many political functions in Sukumaland were performed independently of the chief. The regular provision of assistance to the aged and distressed, for example, was a function of the dance societies. One of the age-grade groupings, the *elika* (or young men's societies), played an essential part in the maintenance of social order in the chiefdom through establishing and enforcing codes of good conduct upon its members. Moreover, the chief relied heavily on the *elika* in recruiting warriors, organizing collective labor turn-outs, and assisting new immigrants in their planting and house construction. In these matters the leaders of these associations, the *basumba batale*, were far from being in a position of subservience to the chief. Their organizations worked on a contract basis, securing a portion of the chief's tribute for their services, and the contract was secured through the process of "collective bargaining" between the chief and the *basumba batale*. Moreover, it was the *basumba batale*, acting jointly, who demonstrated before the chief's hut and demanded his abdication when it was evident that his religious powers had "failed" him.

Finally, it must be understood that the roles of supreme magistrate and distributor of the spoils of the chase did not come to the Sukuma chief as a right secured through conquest of his people. It came, rather, through his popular acceptance as an impartial arbiter who was above the inter-clan and inter-personal frictions of the chiefdom. The first chiefs were Hamitic strangers who appeared on the scene at a time when the increasing density of settlement made it difficult to resolve conflict by a resort to blood vengeance or by flight into the bush. The Hamites were accepted because the original Bantu regarded them as being superior in bearing, intellect, and mode of economy—namely, cattle herding; however, the acceptance did not constitute total submission. The settlement of intra-clan disputes and even of certain categories of inter-clan controversy was excluded from the jurisdiction of the chief's court. Moreover, the chief arrived at his judicial decision only in the presence of clan elders, who were concerned not only with the preservation of Sukuma law and custom but

also with the interests of their clan members. Moreover, in extreme cases, clan members suffering at the hands of a chief who had abused his authority or who had failed in other respects to protect lives and property could still remove themselves to a neighboring chiefdom. This withdrawal of allegiance thereby deprived the tyrannical chief not only of a warrior and laborer but also of a source of tribute.

### III. MODIFICATIONS IN THE AUTHORITY SYSTEM UNDER EUROPEAN RULE

After almost 70 years of European administration in Tanganyika, the modifications in the traditional authority system of the Wasukuma have been substantial, notwithstanding the fact that the British administration during a great part of this period has been committed to the policy of indirect rule. The authority system of the Wasukuma has been altered with regard to at least five general categories: the external political system, the bases for political authority, the relationship of the internal units to each other, the content of political activity, and the delineation of chieftaincy roles.

*The External Political System.* Under the impact of the European ban on tribal warfare and the requirements of the European administration, the relationship of the Sukuma chiefdoms to each other has been reconstituted. For efficiency of administration, a number of minor chiefdoms have been consolidated or brought under the jurisdiction of a larger neighbor. Also under the rubric of improving administrative control, the autonomy of the remaining chiefdoms has been diminished by the fact that the British have created federations of chiefs. These occurred first on the district or sub-district level and then, in 1947, on the tribal level. Although the chiefdoms remain as administrative and judicial units for the purposes of general legislation, administrative policy, financial affairs, and the definition of Sukuma tribal law and custom, it is the supra-chiefdom federations which have greater significance. Even more important than the alteration in the inter-chiefdom relationship has been the fact that a new external relationship obtains: namely, that between the chiefdoms and the European administrations. The consequences of this relationship become apparent in the examination of other alterations in the traditional authority system.

*The Bases for Political Authority.* In the traditional period the basis for chieftaincy authority lay partly in the chief's responsibility to an external, non-empirical source as well as to certain empirical sources internal to the system. To a certain extent that external basis for chieftaincy authority has not disappeared even though Christian and Moslem beliefs in monotheism and secular teachings regarding the character of natural phenomena have partially undercut the belief in his magico-religious powers. It is surprising, however, to find that most of the better-educated Christian and Moslem chiefs I interviewed still regularly observe the annual rituals connected with the agricultural cycle. Although several of these chiefs stated that they perform these rites only for the "entertainment" of their people, it is obvious that the signs of obeisance made to the chiefs by commoners on these and other occasions are not those accorded

the ordinary mortal in Sukumaland. Moreover, the religious role of the chief may appear in new forms. Two recent cases, for example, have occurred in which Roman Catholic chiefs have attempted to use their official position to aid in the collection of funds to build a church and a new school.

Under European rule the mainstay for chieftaincy authority is still external to the system, although the non-empirical element is substantially reduced. I refer to the fact that, in the final analysis, the question of whether an individual exercises chieftaincy authority depends upon his acceptance by the European administration. This was so under the German administration, as is evidenced by the fact that a number of chiefs were deposed and in some chiefdoms the hereditary system was abandoned entirely in favor of the appointment of *akidas*, who were central government servants. Under British rule the factor of recognition has been explicit in both the Native Authority Ordinance of 1927 and the African Chiefs Ordinance of 1953. True the administration has permitted the Wasukuma to follow hereditary succession in electing chiefs and has required as a basis for continuance in office that the chiefs act in a responsible manner towards the interests of their people. Nevertheless, these responsibilities exist, not because they were present in the traditional authority system, but because the British administration accepts these things as part of its policy. The supremacy of the European administration is evident in the fact that a duly-elected claimant must secure recognition from the Governor before assuming office. Moreover, the right of deposition of a chief remains the prerogative of the Governor, and any individual or group (such as the *basumba batale*) who attempts to usurp this function would be tried for sedition. Finally, the responsibility of the chief to the central government has been manifest in the abolition of tribute and the introduction of a central government tax, part of the proceeds of which have gone to pay the salary of the chief. Unlike tribute, which was used for the benefit of the whole chiefdom in times of famine, the chief's salary may be used entirely for his personal benefit.

The concomitant feature of the chief's responsibility to the European administration has been the fact that he has at his command the power of the European administration to carry out his duties. This power may in extreme cases be made manifest in the arrival of armed police to put down threats to the chief's authority; but the surprising thing is that the overt display of force is seldom required and even murderers in Sukumaland seldom make an effort to flee or resist an unarmed messenger who comes to arrest them. It may be that the occasional displays of force or the remembrance of European might in two wars have been factors in this compliant attitude; however, the persistence of cultural attitudes towards authority is probably also a significant item.

*Relationship of the Internal Units.* The relationship of the internal units of the traditional authority system was affected by the alterations in the sources of political authority. Despite the intent of the advocates of Indirect Rule to utilize traditional systems, the fact is that in Sukumaland they concentrated largely upon one part of the system, the hereditary chiefs. In part this can be attributed to the lack of knowledge or indifference of individual administrators

regarding the actual operation of the traditional system. There was, however, also the conflict facing an understaffed administrator as to whether he should insist that the chief proceed quickly with the tasks of road construction, sanitation, or soil conservation, or whether he should require that the chief consult with the clan elders, *basumba batale*, and the Banang'oma before undertaking these ventures. The former decision was the one often taken. As a consequence of focusing attention upon the chief, the other elements in the system have withered in significance. Only in Maswa District, for example, are the *basumba batale* actually recognized in a Native Authority order as performing even a minor political function. The role of the Banang'oma, moreover, has been reduced to that of instructing a chief on tribal history and custom during traditional rituals. The elective role of these courtiers has all but disappeared in the face of administrative efforts to make the selection of a chief subject to more broadly-based popular ratification, and in the face of conflicts with administration over the criteria—rain-making ability and conviviality at tribal dances—sometimes employed by the Banang'oma in choosing their candidate.

The supremacy of the chief within the system was also enhanced by the delineation of chieftdom boundaries. This diminished the freedom of action of the headmen, who in the past were able to achieve a certain degree of political autonomy through threats of "hiving off" from the chieftdom. The appointment and salary of the headmen, moreover, have been under the control of the chief. Clan and individual mobility have been thwarted also by the delineation of boundaries and by the power granted the Native Authorities to restrict movement of persons during famine and other emergencies. Finally, although one group of chieftaincy clients, the elite guard, has vanished with the ban on tribal warfare and slavery, a new group committed to supporting the authority of the chief has emerged in the form of Native Authority messengers and clerks. In the appointment of the lesser officials, nepotism has played a major part. There was some justification for this in the past inasmuch as only relatives of chiefs were likely to have had the required education, and the personal responsibility which the chiefs bore for financial matters made it seem reasonable that he should have about him those over whom he had some personal control.

With the appearance of an emergent elite in the postwar period there have been two diverse tendencies at work seeking to restore internal checks upon chieftaincy authority. One of these—the appearance of popular associations—will be discussed subsequently. The second tendency has been the efforts of the administration to bring to the operation of local government the talents of teachers, traders, and other individuals who were excluded under a system based on royal birth and nepotism. These leaders were, however, brought in as individuals and not as representatives of a group. It was hoped that by meeting with the chiefs and headmen in councils they would begin to accept some of the responsibility for initiating and planning local programs, suggesting new sources of local revenue, and formulating legislation for the development of natural resources. The councils constitute a comprehensive system which covers the village, chieftdom, district, and Sukumaland levels. Each council con-

sists of the Native Authorities concerned, a number of councillors nominated by the District Commissioner, and a number of councillors elected initially at the village level, with each superior council drawing part of its membership from the council subordinate to it. It should be stressed that the chiefs and nominated members on the higher councils constitute a majority of the membership, and that in any case, all decisions of the council require administrative approval.

*Content of Political Activity.* Several of the political functions performed within the traditional Sukuma system have now been pre-empted by the European administration. This applies especially to the maintenance of external defense and the preservation of social order; to a great degree it also applies to the functions of regulating internal relationships within the system and the provision of material security. With regard to these latter functions, much authority has been left to the chiefs, and the postwar tendency has been to entrust authority to the people themselves acting through their councils. The provision of social services in the European period has not only been intensified, but has also had three features which differentiate it from the performances of the traditional period. In the first place, while road construction, the provision of markets, and malaria control have provided benefits to the people, these measures were often initially introduced to increase the efficiency of administrative control. Second, although public health services and education are readily accepted by the people, the necessity for other services—especially those dealing with natural resources conservation—are neither understood nor readily accepted. Third, the methods employed for securing benefits for the people are based largely on scientific knowledge, whereas in the traditional period great emphasis was placed on methods based on the putative value of magico-religious performances.

*The Roles of the Chief.* As we have seen, the religious role of the chief has been diminished under the impact of Christian and Moslem teachings, while his position as controller of tribal wealth and his role in military affairs have been eliminated by the European administration. In their stead, the administration during the period between the wars concentrated on the legislative, judicial, and executive roles of the chief.

The legislative role of the Sukuma chief is actually a European innovation. Formal law-making had not been a distinct performance in the traditional system even though a chief might establish precedents in hearing court cases or in the process of administering his chiefdom. Under the Native Authority Ordinance, however, one of the main duties of the chiefs, or chiefs meeting in councils was to issue rules and orders for the governing of their chiefdoms. There has been a certain unreal quality in the legislative role of the chiefs: in most cases the chiefs did not initiate the legislation, nor were they always in sympathy with its purposes. The plain fact is that in many instances the term "Native Authority" was a legal fiction meaning "District Commissioner." This has been especially true with regard to the preparation and approval of the annual financial estimates by the Native Authority. The discussions in the

council have constituted more of an educative process, looking towards the future acceptance of responsibilities, than of an actual wielding of authority. The substance of the rules and regulations also calls to mind Plato's *Laws*, for they attempt to set up standards of moral conduct regarding drinking and gambling and standards of technical performance with regard to animal husbandry, disease control, and cultivation; usually these standards are quite alien to those prevailing in the existing value system.

This spirit of educating the people to new standards also has pervaded the executive and judicial roles of the chiefs. Much of the executive work of the chief and his natural resources assistants is devoted to teaching the people new methods of cultivation or of detecting disease in livestock. The teaching aspect, however, has often assumed the characteristics of police enforcement; in many years, over half of the court cases heard by the chiefs have dealt with infractions of the Native Authority rules and orders—legislation which they had been parties to issuing and enforcing. In other aspects of his judicial role the chief may actually be performing a service similar to that of his ancestors, for the administration has accepted customary law as a part of the legal system of the Territory. Murder and other more serious crimes, however, have been removed from the jurisdiction of the local courts.

In the postwar period the roles of the chiefs have been subjected to further manipulation by the administration in view of the dual goals of increasing local responsibility for development programs and of increasing the democratic character of political institutions. To meet this latter goal the chiefs, as already noted, have been required to share their legislative role with elected and nominated councillors. Furthermore, in line with the territorial policy of separating the judiciary from the executive, the Sukuma chiefs have been required to appoint deputies, who have gradually been assuming the greater burden of court work and will eventually emerge as independent magistrates.

To meet the problem of increasing local responsibility, the administration has decided to concentrate on the role of the chief as a tribal executive in charge of the administration of social and economic programs. It was felt by administrators at the end of the war that the corps of chiefs then holding office was poorly qualified to accept this new responsibility. Consequently, without eliminating the form of hereditary succession, District Commissioners have taken a greater hand in the selection of new chiefs as vacancies arise through death, retirement, or deposition. Although in some instances a District Commissioner actually searches for a possible claimant with the qualifications of superior education, experience, and modern outlook, the usual process is for the administrator to indicate beforehand that certain candidates, because of their previous histories, would never receive the Governor's recognition as chiefs. While such procedures may be questionable methods for introducing popular control over the appointment of chiefs, they have achieved the effect of raising the level of the group with respect to education and general training. Moreover, after their elevation to chieftainship, chiefs have been required by the administration to take short courses in agriculture, veterinary services, and general



administration. Thus, without abandoning the criterion of royal birth the Administration has attempted to bring the political system into line with the new economic and social system, where intelligence, education, and experience are criteria for leadership. It was hoped that in this way the Administration could bridge the gap separating the chiefs from the new elite.

#### IV. SUKUMA RESPONSES TO PLANNED POLITICAL CHANGE

A number of Sukuma chiefs have taken quite readily to the British conception of the duties of a modern chief. Prepared by education or previous experience and assisted further by maintaining close liaison with administrative and technical officers, they have seized the initiative in organizing local councils at all levels or in initiating new programs in water development or sanitation. By lecture and by example they are attempting to convince their people of the benefits to be derived from following new techniques in agriculture or animal husbandry. In most cases these chiefs have attempted to combine their modern approach to local government with a continued reliance upon traditional ritual and their hereditary position to carry along the less educated citizens.

Enthusiasm by the Sukuma chiefs does not, however, appear to be the typical reaction. Most Sukuma chiefs seem to find it genuinely impossible to pursue both the goal of being responsive to the wishes of their people and the goal of educating or coercing them into accepting new standards. The District Commissioner might convince the chiefs that cattle destocking, contour cultivation, or a cess on cotton might be in the interests of Sukumaland; it is another matter for the chiefs in turn to convince the cattle owners or cotton growers. Moreover, it is questionable whether the chiefs are actually convinced of the efficacy of the new programs; in one district the chiefs and headmen were among the worst offenders of the Native Authority soil conservation rules. Regarding the problem of finance, furthermore, the chiefs are beginning to consider the problem of relating expenditures on social services to sources of local revenue; however, for the most part the "Native Treasury" still remains a substitute term for "District Commissioner."

Comments made by a number of chiefs indicate that they regard the addition of popular councillors to local government bodies and the diminution of their judicial authority as a not-so-thin edge of a wedge which will eventuate in their becoming tribal relics. They have been especially alarmed by the formation of a multi-racial county council in the Lake Province, which for most purposes is superseding the authority of the Sukumaland Federal Council. There is no guarantee that the chiefs need be represented on the county council at all and in any case only a minor fraction of the 47 Sukuma chiefs could be represented in view of the government's intention to limit the size of such deliberative bodies.

The reactions of the illiterate mass of "commoners" to the new political developments were also mixed, but by far the most prevalent reaction seemed to be one of lethargy. The peasant cultivator is dubious about the value of the new standards of technical performance the chiefs and the administration are

encouraging him to adopt, and he is dubious about the form of local government institutions as well. He prefers to have his court case heard by the chief rather than the deputy; and he feels it to be presumptuous of a "commoner" to attempt advising a chief or headman even when they genuinely solicit advice in council meetings. Lethargy, however, is not the sole response of the illiterate "commoners." In a number of rural areas the newly-formed village councils have taken upon themselves the task of constructing new schools and dams by community effort instead of waiting for Native Treasury funds to be made available; and they have been enthusiastic in helping the headmen distribute famine food, pass on information about new soil conservation measures, and collect taxes. At times the enthusiasm runs so high that the councillors attempt to take over the judicial and executive work entirely, and it is necessary for the administrators to restrain them. Although the British administrators seem to regard a response of this character as being a welcome, albeit misguided, sign of advancement, it would appear that the responses on the part of the more educated Wasukuma to modification in the political order do not always meet with the same approbation. I refer especially to the postwar emergence of popular political associations and of cooperative societies with a politically-oriented leadership.

Producers cooperatives have emerged in a number of areas of Sukumaland. Some, like an association in Kwimba District based on the marketing of clarified butter, limit their activities to predominantly economic questions and have no noticeable antipathies towards the local chiefs and headmen. The same cannot be said, however, for the much larger cooperatives based on the cotton industry. Almost from the inception in 1949 of the Lake Province Growers Association (since enlarged and renamed the Victoria Federation of Cooperation Unions), political and racial questions have been in the forefront. In part this stems from the fact that the cooperative movement arose from feelings on the part of the African growers that they suffered badly at the hands of the Asian businessmen who controlled much of the marketing system. Moreover, it was not until 1951 that the government was willing to recognize the validity of the grievance and to register the cooperatives as legal societies. The administration then took hurried steps to facilitate loans for the purchase of capital equipment and in other ways ensure the orderly entry of the societies into the marketing system.

To a great extent the Association thrived on the government's opposition, and it became a rallying point for varying types of discontented elements in Sukumaland. In some of the activities of the Association's leadership—for example in the protest over the controlled price of cotton and the levying of a local government cess on raw cotton—they differ hardly at all from those associated with farm groups in England or America. The leadership of the Association, however, has also expressed itself publicly on a range of other political questions less directly concerned with cotton production. These include attitudes of opposition to the cattle destocking program, the use of communal labor turn-outs for dam construction and bush clearance, the agricultural

bias of the new curriculum for the middle schools' tie-ridge cultivation, and variations in standards of hospital facilities for Europeans, Asians, and Africans. Some of the most vigorous complaints on the part of the Association's leaders have been reserved for the chiefs and the new system of councils. Individuals I interviewed seemed to regard the chiefs as either ignorant of the real sympathies of the people or mere "puppets" of the administration. Where the attitudes of these leaders were not clearly in favor of the abolition of hereditary chieftainship, they were at least in favor of divesting the chiefs of all but their ceremonial roles.

With regard to the system of local councils, the leaders of the cotton cooperatives felt that the idea was sound but that the system had failed in its application. They felt that the councillors were usually the "cooks and houseboys" of the chiefs, that discussions were devoted to trivial matters, that items of consequence were decided beforehand by the chiefs and the District Commissioners, and that decisions of the councils were seldom communicated to the people in the villages. The thin line separating economic and political associations in Sukumaland is perhaps evidenced by the fact that some of these leaders felt that the Growers Association or the local societies should be permitted to elect councillors to these new local government bodies.

It is not unusual for an economic organization to engage in political controversy; indeed, they do so often enough in America and Britain. Nevertheless, administrators have regarded this tendency in Sukumaland with double misgivings. In the first place, it was felt that continued political activity had distracted the leadership of the Association from its primary concerns: developing the cotton industry and establishing the societies on sound cooperative principles. Second, District Commissioners have often felt that the leadership of the Association considered that as the head of a large organization it was better qualified to speak for the people than were the chiefs or the newly-created councils. They ignored the fact that many of the members (which include about 20 per cent of the estimated male taxpayers in Sukumaland) joined the societies merely for economic reasons and do not endorse the political views of the leadership. It is obvious that the government would much prefer to have political issues discussed in the new local councils, making these bodies the primary arena for political activity in Sukumaland.

Much of what has been said above with respect to the political grievances of the leaders of the Growers Association also applies to the leaders of the manifestly political bodies in the area, the Sukuma Union and the branches of the Tanganyika African National Union. The activities of political associations, however, have actually resulted in open conflict with the chiefs. This is especially so with regard to their campaign urging people not to participate in communal labor turn-outs or to observe destocking and soil conservation orders. The character of the Tanganyika African National Union's activities was such that in 1954 the government felt justified in disbanding several of its chapters, on the grounds of maintaining public order. The Sukuma Union has refrained from activity of a violent character thus far, limiting itself instead to defending

in court individuals who have allegedly been abused by the chiefs or attempting to get its members elected to village and chiefdom councils. With regard to the last enterprise, they have not as yet succeeded, which is not surprising in view of the fact that over 40 per cent of its membership of 8,000 resides in Zanzibar and scattered areas of Tanganyika. The Tanganyika African National Union differs from the Sukuma Union in several other respects. The latter is composed largely of Wasukuma or the related Wanyamwezi, appeals to rural as well as urban elements, and confines itself mostly to problems of development within Sukumaland. The National Union, on the other hand, has a polyglot tribal membership and appeals mostly to the class of township clerks and traders; its leadership in Sukumaland takes stands on broad questions such as East African federation, the Meru land controversy, and independence for Tanganyika.

In a small but selective sampling in Sukumaland, I was able to obtain data on the background and attitudes of the leadership of the economic and political associations, which provide some clues to the origins of their antagonism to the existing political system. Histories of employment and travel in other parts of Sukumaland, as well as the fact that their main ties were now with an urban area, indicated that these individuals have no particular loyalties to an individual chiefdom. Economically, they were almost on a par with the chiefs, deriving their income from salaries, merchandizing, income from rents on buildings or fishing boats, and income from the cotton fields which were tended by the families left behind in the rural areas. With regard to education as well, the emergent leadership felt that it could claim equality with the chiefs, and a surprising number of the new political leaders are ex-school teachers. A further interesting comment on their educational background is the fact that a preponderance of these leaders were educated by the American Africa Inland Missions or the Seventh Day Adventists. Thus, some of the anti-chief attitudes may be a manifestation of conflict with Roman Catholic chiefs, who are in the majority in Sukumaland. There may also be a more deep-seated reason for the Protestant character of the leadership, such as the traditional Roman Catholic acceptance of authority as opposed to the fundamentalist—and especially American fundamentalist—emphasis on individual initiative and a vague distrust of governmental activity. One further factor in the background of the political and economic leaders interviewed was the fact that three-fourths of them were related to chiefs, sub-chiefs, or headmen. A few actually had histories of being claimants to a chieftainship, and their grievances in some cases appear to date from the rejection of their claims by the District Commissioner, the Banang'oma, or the people meeting in assembly.

Some interesting attitudes were voiced regarding other races in Sukumaland. It was almost unanimously felt that European administrators and missionaries (who make up the bulk of the European population outside of the self-contained mining settlements) were doing a commendable job of educating the Africans; however, the statements were usually qualified with remarks about the rate at which the Africans were being permitted to advance, the observance of the color bar, and the fact that "it will be better when Africans can do the job them-

selves." With regard to the Asians, who are the ubiquitous shopkeepers of East Africa, the attitudes were almost unanimously pejorative of the contribution Asians were making to the development of the Territory. Both of these racial groups were treated alike, however, when it came to the matter of the multi-racial county council in the Lake Province. The African leaders interviewed felt that Africans at this stage could not compete effectively with Europeans and Asians in debate, and consequently they would find that real authority was going to the other races.

#### V. APPRAISAL

If the attainment of self-government is taken as a goal which all dependent people have a right to expect (and the United Nations Charter seems to accord it that status), then something by way of commendation should be said for the fact that Britain acknowledges this as a goal for Tanganyika and has been taking steps to achieve it. Moreover, although critics in Tanganyika or in the United Nations may disagree over the methods employed or the rate at which political developments are taking place, there is seldom criticism of the general plan of achieving self-government through representative bodies, which are entrusted with the responsibility for the social and economic development of the people. Something also by way of praise may be said for the character of the agents introducing political change in Tanganyika. It is the opinion of this writer that the calibre of administrators in the Territory is outstanding. For the most part administrators exhibit an enthusiasm for their work, employ a great deal of tact and friendly humor in their relations with the people, are well versed in Swahili, are conscientious about getting about the districts and seeing things at first hand, and are generally regarded by the Africans as being personally honest and fair in their performance of judicial and administrative duties.

Nevertheless, it is apparent that the implementation of political change has met with some serious obstacles. One of these might consist of the very enthusiasm of administrators which was praised above. One sometimes feels that the personal zeal of the District Commissioner in establishing new councils and introducing new programs is often well in advance of the enthusiasm of the chiefs and people to make these councils operate effectively or to achieve the ends of the program. As a consequence the councils and programs may stagnate, or, in the interest of "getting the job done," the District Commissioner himself may attempt to run council meetings and personally oversee the details of a program. In either case these alternatives win only contempt from the leaders of the popular associations.

A further difficulty consists in the resistances offered by both the chiefs and the new economic and political leaders to the substance and procedures involved in the political changes. Resistances might be encountered in any situation of planning in a dependency; however, when the task set for the administrators consists in no less than the rebuilding of political institutions which have taken several generations to develop, the resistances are bound to be of greater magnitude. Moreover, the administrators are expected to perform this task

with a relatively small staff, without frequent resort to the use of overt force, and in a milieu in which the mass communication media, the educational system, and the triennial United Nations Visiting Mission are subjecting to question almost any action taken by administrators in dependent territories. Furthermore, the very system of democratic values and representative institutions the British are attempting to introduce in the area inculcates the idea of open discussion and choice. Consequently, a selective attitude on the part of the chiefs or the new elites should not be surprising.

Regarding the reaction of the British administrators to the selectivity of the emergent elite, several comments might be made. One can agree that the economic goals of the cooperative societies might be better attained if the leadership devoted itself primarily to those ends; nevertheless, I find it difficult to agree that local councils should constitute the only legitimate channel for political activity in Sukumaland. The generally hostile attitude obtaining between the government and the popular associations, the ban on certain categories of central government and local government personnel joining political associations, and the disbanding (although with much justification) of chapters of the Tanganyika African National Union would indicate that the administration does indeed want to limit political activity to the new councils. It may also be acknowledged that the attitude of the popular leaders, in respect of the goals of the administration, makes it an "irresponsible minority." Such minorities, however, have a way of thriving on governmental opposition and becoming majorities. Moreover, in according these minorities certain genuine responsibilities in political affairs, the character of their attitudes may be altered. Both of these last statements are borne out in recent events in the Gold Coast and in the Chagga area of Tanganyika.

The question remains: "What will become of the chiefs?" In view of the attitudes of the Sukuma peasants towards their chiefs, the continued utilization of these traditional authorities would seem to be a justifiable policy—at least until it can be demonstrated that some other group is better qualified to speak for the best interests of the people. It may be, however, that emergent leaders in Sukumaland will take the same course pursued by the Baganda and the Wachagga. This course consists of finding in a modernized hereditary chieftainship the institution through which the various strands of Westernization and Sukuma heritage may be brought together, and a new sense of unity of purpose achieved in Sukumaland.

## THE CONTRIBUTION OF MEDIEVAL THOUGHT TO THE AMERICAN POLITICAL TRADITION\*

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That there was a continuity between medieval political thought and the body of systematic theory that surrounded the Declaration of Independence and the Constitution is by now a commonplace. But when we speak of the medieval contribution to the American political tradition, it is important to avoid the implication that what medieval thought contributed was identical with what American thought received. Between the close of the fifteenth century and the latter part of the eighteenth lie some two and a half centuries of crowded thought and experience, which more or less profoundly changed the meaning of concepts continuously in use. The more we learn of medieval theory, the clearer it becomes that it must be interpreted in its own terms rather than in terms of its derivatives. And the American political tradition, of course, cannot be fully understood in terms of its historic roots. Perhaps the chief service which the history of ideas can offer to political theory lies in providing material for the sharpening of concepts through a comparative analysis. For the full understanding of the meaning of an idea, one needs to know not only what it is, but also, I suggest, what it is not. Thus there may be value in an attempt to define the medieval meaning of some concepts that were a significant part of the medieval contribution: in particular, sovereignty, natural law and natural rights, and consent.

Medieval political thought was a response to a special historical situation. In contrast to the states of classical antiquity, the medieval state was comparatively distinct from other social institutions; it was a late-comer in a society already organized by feudalism and by the church—a society, however, still characterized by constant violence and injustice. Thus political thought was oriented toward topics that had not aroused much interest in the closely-interwoven societies of Greece and Rome: on the one hand, an examination and defense of the powers necessarily implicit in government; on the other hand, an examination of the bases and limits of governmental authority and of the juristic relationships between government and other institutions. Moreover, the expanding theory of the state had to take into account the ideas of right implicit in feudalism, and the ideas of right explicit in the teachings of the church. Thus medieval political thought developed an extremely complex character; this complexity was enhanced by the variety of intellectual sources, from different cultures, on which it drew.

\* This article is a slight revision of a paper read at the American Political Science Association meeting in Boulder, Colorado, September, 1955. The paper was intended only to suggest a tentative interpretation as a basis for further discussion; a treatment of medieval thought on this scale and in this perspective necessarily involves extreme simplification and a dogmatic assertion of some points that may well be controversial. The footnotes now added are, of course, not exhaustive, but they call attention to some of the material that supports, illustrates, or opposes my general contentions here.

In the context of the medieval problem, one of the most important strands of thought was that which supported and clarified the gradual concentration of coercive power in the king and the gradual emancipation of an effective public authority from the bonds of feudal traditions. Roman law provided medieval thinkers with a basic distinction between private law and public law, and with suggestive phrases—phrases which medieval interpretation sometimes stretched far beyond their original meaning: e.g., “the prince is not bound by the laws,”<sup>1</sup> which became the nucleus of the medieval recognition that, if the essence of rulership lay in its control of the coercive machinery of law enforcement, one could not logically expect that machinery to control the ruler.

I cannot trace here the whole story of the medieval enunciation of the public-law principles that gradually defined the implicit character of public authority: e.g., that public power is inalienable; that the ruler can have no peer, and no superior; that subordinate offices are delegations of the supreme power; that in the area of government the ruler can finally be guided “solely by the judgment of his own mind”; that judicial authority includes authority to promulgate, interpret, and dispense from the law; that from the decision of a supreme judge there can be no appeal to another court.<sup>2</sup> These principles might still construe the ruler as a discretionary administrator and judge within the framework of a static private law, and many medieval thinkers stopped at approximately this point. But as early as the thirteenth century one can find instances of the recognition that human law might properly be changed to meet men’s changing wisdom or changing needs.<sup>3</sup> This idea, interwoven with the idea that the ruler concentrated the public force of the community, and with the concept of legislation to be found in Roman law, led steadily to its corollaries: that the ruler could make and change positive law; that the validity of custom rested on his tacit consent; that legislation was the supreme act of public authority, from which all other powers flowed; even, occasionally, the extreme claim that, although the ruler continued subject to natural law, he was its only competent interpreter.<sup>4</sup> These principles were by no means all accepted by all medieval publi-

<sup>1</sup> *Digest*, 1, 3, 31; cf. John of Salisbury, *Policraticus*, Bk. 4, Ch. 2; Aquinas, *Summa Theologiae*, Ia IIae, q. 96, a. 5.

<sup>2</sup> Many of these ideas were suggested by John of Salisbury, from whose *Policraticus*, Bk. 5, Ch. 6, the quoted phrase is taken; in the thirteenth century, they are explicit in, e.g., Bracton, Aquinas, or Aegidius Romanus: see C. H. McIlwain, *The Growth of Political Thought in the West* (New York, 1932), pp. 320–33, 373–82, and *Constitutionalism Ancient and Modern* (Ithaca, 1940), Ch. 4; Ewart Lewis, *Medieval Political Ideas* (London and New York, 1954), Vol. 1, pp. 244–54; their medieval formulation owed much to the study of Roman law: see, e.g., Fritz Schulz, “Bracton on Kingship,” *English Historical Review*, Vol. 60, pp. 136–77 (May, 1945).

<sup>3</sup> E. g., Aquinas, *op. cit.*, q. 97.

<sup>4</sup> Note the relation between ruler and positive law, *ibid.*, qs. 90–97, *passim*; in Aegidius Romanus, *De Regimine Principum*, Bk. 3, Pt. 2, Chs. 12, 29; cf. Lewis, *op. cit.*, Vol. 1, pp. 20–23; for the thirteenth-century civilists, see R. W. and A. J. Carlyle, *A History of Mediaeval Political Theory in the West* (London, 1903–36), Vol. 2, Pt. I, Ch. VII, and Gaines Post, “The Theory of Public Law and the State in the Thirteenth Century,” *Seminar*, Vol. 6, pp. 42–59, at pp. 51 ff. (1948). The dominant trend in medieval thought was that which insisted that the king’s promulgation or changing of law should be associated



cists, but they represent a developing body of thought which, as recent scholars have pointed out, left very little for Bodin to do.<sup>5</sup>

The significance of the process, I suggest, lies in an increasingly clear perception that the government of laws cannot eliminate the government of man; that government by its very nature includes large areas of discretion which must be areas of decisive authority. The point has been by no means obvious in societies whose traditions have remained—as medieval customs did not—a roughly adequate basis for their practical and moral demands, but in Western civilization the medieval recognition and acceptance of some of the juristic implications of the rule of man have been the necessary premises for everything that has since happened in political thought.

By the time of the Founding Fathers, a chief problem of political theory was to mitigate the dangers inherent in the rule of man; the American adaptation of Montesquieu's separation of powers was an attempt to neutralize the dangers of discretion by dividing it. While separation of powers has some medieval roots, it is not a medieval idea. The characteristic medieval conclusion from the recognition that government was a matter of discretion was that all kinds of discretion must be combined in a single sovereign to insure unity of authority. The complex of powers which made up supreme authority might, as in the old Roman republic or the medieval Italian commune, belong to the community; but in the larger and looser units to which such government was unsuited, the inescapable alternative was the concentration of authority in the king. In matters where basic private rights were involved, royal authority might be qualified by a characteristically medieval device: the insistence that it be exercised through formal procedures—through due process of law or through "consultation and consent." But this qualification did not imply a balance of mutually independent agencies with distinct functions and powers. In proportion as the medieval agencies through which royal authority was partly channeled developed their own self-consciousness and claims to autonomy, the Middle Ages provided the institutional basis for the later doctrine.<sup>6</sup> But in the context of medieval

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with the consent of the weightier elements of the community, as, e.g., in Bracton, *De Legibus et Consuetudinibus Angliae*, intro. and Bk. 3, Ch. 9, sec. 3, and, two centuries later, in Fortescue, *De Laudibus Legum Angliae*, Chs. 7, 18; but the king's monopoly of legislative sovereignty was defended by one group of jurists: see Walter Ullmann, *The Medieval Idea of Law as Represented by Lucas de Penn-* (London, 1946), esp. pp. 48-55, 94 ff., 104; Lucas himself held that the ruler might specifically derogate from natural law, but that a law intrinsically unjust or unreasonable was invalid; in the fifteenth century, Aeneas Sylvius insisted that every action of the ruler must be presumed to be just: *De Ortu et Auctoritate Imperii Romani*, Chs. 16-23; see also Otto Gierke, *Political Theories of the Middle Ages*, tr. F. W. Maitland (Cambridge, 1927), pp. 84 ff. and notes 290, 292.

<sup>5</sup> See Max A. Shepard, "Sovereignty at the Cross-roads: A Study of Bodin," *Political Science Quarterly*, Vol. 45, pp. 580 ff. (Dec., 1930); Ullmann, *op. cit.*, *passim*, points out resemblances of Bodin's thought to that of Lucas de Penna, which he knew.

<sup>6</sup> By the end of the Middle Ages, this had been reflected in the notion of mixed monarchy, which appears particularly in conciliarist thought and in Fortescue; see Shepard, "The Political and Constitutional Theory of Sir John Fortescue," in *Essays in History and Political Theory in Honor of Charles Howard McIlwain*, ed. C. Wittke (Cambridge, Mass., 1936), pp. 289-319; Lewis, *op. cit.*, Vol. 1, pp. 271-75.

thought, such a doctrine would have seemed an illogical negation of the unity of decision which was of the very essence of the role of government, and in the context of medieval fact, it could only have produced an anarchic play of private interests.

Another American remedy for the dangers of discretion was based in the conviction that certain natural rights of man lay completely outside the area of public authority; and this idea derived, chiefly through Locke, from two quite distinct medieval ideas. A pre-governmental law protecting private rights was for medieval men no flight of speculation but a fact of crude experience. In feudal thinking, the customary law and the rights that it protected were absolute limits to royal power. But the customary law was not the law of nature, and the rights of status and property that it protected were not the rights of man, but simply the rights of those men who happened to have them. The more sophisticated medieval idea of a supreme natural law was a very different concept. One of its most important functions was to undermine the prestige of the customary law and to reconstrue its pattern of absolute rights into a more flexible pattern of rights based on and qualified by their utility to man. Natural law also helped to develop the theory of royal authority. And, finally, the medieval theory of natural law was the vehicle for the church's insistence that the political order was a part of the moral order and must be tested, not only in its general structure and tendencies, but in its specific actions, by the standards of a reasoned morality.<sup>7</sup> Thus, in contrast to Lockian natural law, which balanced the rights of individuals against the rights of the state but provided no norms for the guidance of either within their separate spheres, medieval natural law purported to be a "rule or measure" for the whole area of positive rights and positive law: it provided general criteria for the qualification of private rights and for the judgment and validation of commands admittedly within the scope of the ruler's competence. The application of natural law to specific circumstances was not, of course, a matter of simple deduction; where it allowed possibilities of choice, that choice must rest upon authority. But the broad principles of natural law defined the goals and limited the range of licit means.

The theories of natural law with which the American Fathers were familiar had been formed partly in emulation of contemporary science and mathematics. They dealt in absolute statements claiming a universal validity and purporting to be rigidly deducible one from the other. Medieval natural law had a much more flexible character—vividly illustrated by the fact that one of the principles most frequently cited by medieval men was the maxim, "Necessity has no law."<sup>8</sup> While medieval writers continually insisted that the first principles

<sup>7</sup> A. P. d'Entrèves, *Natural Law* (London, 1951), Ch. II, particularly analyzes this aspect of medieval natural law as illustrated by Aquinas; I am indebted to his whole discussion of the changing meanings of natural law.

<sup>8</sup> Gratian, c. 11, D. I *de consecratione*; used at first by canonists and civilists in the equitable interpretation of private law, this maxim was applied to public law in the thirteenth century; it might or might not be labelled a principle of natural law, but its use always implied a rational appeal to the fundamental order of justice whose self-evident cogency over-ruled more contingent principles of right.

of natural law were universal and permanent, they also insisted that its bearing on positive institutions might vary, as changing circumstances affected their intrinsic justice or their utility to human needs.<sup>9</sup> The ruthless application of general moral criteria to a world of varying circumstance inevitably leads to contingent rules and to a final casuistry.

One will look in vain in medieval writings for any codification of the principles of the natural law to which civilists, canonists, theologians constantly appealed. Aquinas's justly celebrated analysis<sup>10</sup> is only a suggestive outline—and it was by no means generally accepted. One may detect the medieval appeal to natural law in a whole spectrum of phrases: "natural law dictates," "evident reason shows," "it is natural to man," "it is just," "it is useful," even "it is expedient." Usage varied, but any one of these phrases might mean that positive laws or institutions were being tested by the criteria of reason, with the assumption that their general or immediate validity depended upon their passing the test. The appeal to natural law might be an appeal to certain maxims that classical or patristic writers had labelled as axioms of natural law: e.g., "it is licit to repel force with force"; or to statements that medieval thinkers nosed out for themselves, apparently because they had a sort of natural-law smell about them: some statements from Aristotle, for instance, or the famous "what touches all should be approved by all," whose medieval career could never have been predicted from its modest origin in a section of the *Corpus Juris* on the testamentary rights of co-heirs.<sup>11</sup> The appeal to natural law might take the form of an analogy with the non-human world: e.g., "the common natural rule is by one." It might take the form of an appeal to Scripture—though with a clear understanding that many Scriptural precepts applied only to given conditions.<sup>12</sup>

<sup>9</sup> This is clearest in Aquinas or Occam but is latent or apparent in most medieval discussions of the relations of natural law, *jus gentium* and civil law, especially as focussed on questions of the legitimacy of property and servitude or of the bases of equity, the dispensing power, the emergency powers of a ruler or of a general council: see Lewis, *op. cit.*, Vol. 1, pp. 6-15, 96-98, and "Natural Law and Expediency in Medieval Political Thought," *Ethics*, Vol. 50 (Jan., 1940), pp. 144-63; Max A. Shepard, "William of Occam and the Higher Law," this REVIEW, Vol. 26, pp. 1005-24 (Dec., 1932), Vol. 27, pp. 24-39 (Feb., 1933); Charles C. Bayley, "Pivotal Concepts in the Political Philosophy of Ockham," *Journal of the History of Ideas*, Vol. 10, pp. 199-228 (April, 1919).

<sup>10</sup> *Summa Theologiae*, Ia IIae, q. 94.

<sup>11</sup> *Codex*, 5, 59, 5; on the early evolution of this maxim, see Poser, "A Romano-Canonical Maxim, 'Quod Omnes Tangit,' in Bracton," *Traditio*, IV (1946), 197-251. Here again, this rule might or might not be called a principle of natural law, but it was used as such.

<sup>12</sup> Canonist thought did not usually follow Aquinas's distinctions between divine and natural law but rather insisted on their ultimate identity, conceiving natural law as a sort of epitome of Christian morality, which had its fullest revelation in the Scriptures. But the canonists' sophisticated interpretation of the Scriptures in terms of a continuous and rationally systematized ethical tradition avoided many of the difficulties of this approach. When Protestantism and the printing-press had thrown open the Scriptures to miscellaneous amateur use, a continuing identification of natural and divine law bred considerable confusion, which may well have contributed to an ultimate weakening of the prestige of both. On the other hand, in proportion as rationalist natural law cut loose both from the Scriptures and from systematic philosophy, it inevitably took on a somewhat arbitrary and partisan appearance.

Deduction from simple maxims, from analogies, or from generally respected principles of right might lead to a dilemma or to an unacceptable conclusion; reason went on from there to distinguish, to explain, to qualify. Or the appeal to natural law might be a direct appeal to reason: through an analysis of the self-consistency of a rule, of its justice, of its suitability to the ends it purported to seek, of its general utility to human nature, of its expediency in a given factual context.<sup>13</sup>

The important part played by the concept of utility in the medieval theory of natural law contrasts with the eighteenth-century separation, and even conflict, between utilitarian theories and theories of natural rights. One reason for the conspicuous role of utility in the medieval theory, and for its constant concern with the context of circumstance, lies in the varied forms in which the idea of natural law first came to the attention of medieval scholars. Classical sources offered them at least four distinct definitions of natural law; to these Gratian added a fifth when he identified natural law with divine law, and therefore with the Scriptures. So far as the content of natural law was suggested, it obviously varied with these definitions: the natural law that had prescribed for the state of innocence "the common possession of all things and the equal liberty of all men" was clearly at odds with the natural law that now endorsed slavery and the payment of debts; "the repelling of force with force" was not easily harmonized with "turning the other cheek"; "the law that nature has taught all animals" was surely different from "right reason applied to commands and prohibitions." Medieval treatments of the problem varied,<sup>14</sup> but on the whole the solution was found in the view that the more concrete prescriptions of natural law were related to its ultimate norms as somewhat variant means to constant ends. This appears most clearly in Aquinas's solution, or in Occam's concept of "natural law in the third sense,"<sup>15</sup> but the same tendency pervades all medieval theory.

Thus the medieval theory of natural law was not, primarily, a theory of natural rights but of what, under given circumstances, was naturally right. Into the notion of what was naturally right there entered, indeed, the concept of

<sup>13</sup> For examples of some explicit appeals to natural law, see Lewis, *Medieval Political Ideas*, Vol. 2, Index, "natural law: content of." But it is impossible to assess the full meaning of natural law in the Middle Ages if one looks only at the instances in which natural law is specifically cited: note, e.g., the common-law concept of "reasonableness," which, as Sir Frederick Pollock pointed out in *Essays in the Law* (London, 1922), pp. 54-59, played the same role and was part of the same system of ideas; note also the civilist approach from the concept of a basic justice which could be equated with natural reason.

<sup>14</sup> Carlyle, *op. cit.*, Vol. 1, Chs. I-III, Vol. 2, Chs. III, IV; Dom Odon Lottin, *Le droit naturel chez saint Thomas et ses prédécesseurs* (Bruges, 1926); Ullmann, *Medieval Papalism* (London, 1949), Ch. II; also references in note 10 above.

<sup>15</sup> Georges de Lagarde, *La naissance de l'esprit laïque au déclin du moyen âge*, Vol. 6 (St.-Paul-Trois-Châteaux, 1946), pp. 143-58, argues that Occam's "natural law in the third sense" was a mere rational construct, without relation to primary natural law on the one hand or to human law on the other; but cf. Shepard, "William of Occam and the Higher Law" (cited in note 9); Richard Scholz, *Wilhelm von Ockham als politischer Denker und sein Breviloquium de principatu tyrannico* (Leipzig, 1944), pp. 18-28; Lewis, *Medieval Political Ideas*, Vol. 1, pp. 14 ff. and notes.

common human claims based on common human characteristics. More or less explicitly, medieval thinkers tended to find in man a natural need for self-preservation; for family relationships; for social communication; for order, peace, and justice; for opportunities of rational, moral, and spiritual development. But such claims did not stake out an area of individual competence from which the state was clearly barred; they were claims upon the state as well as claims against it. They dictated no clear-cut Bill of Rights<sup>16</sup> but rather a delicate and variable adjustment among the several institutions, private and public, that served man's various needs in varying ways.

In contrast to the Lockian system, which placed the sanctity of private property among the first imperatives of human nature and treated government as a kind of afterthought, medieval thought typically regarded both property and government as essential instruments of human needs and purposes. Thus they were coordinate in origin and validity. Each were institutions of human construction; both were rooted in natural law because both were necessary to man, or at any rate to sinful man; but the specific rights of both were subordinate to, and limited by, the purposes they must serve.

For Locke and Jefferson, liberty was one of the natural rights of man. The idea that some sort of claim to freedom was inherent in human nature flickers through medieval theory, but it remained ambiguous and undeveloped. Serfdom was a recognized part of the medieval structure of property; any coercive government seemed an infringement on liberty thus "the equal liberty of all men" was usually interpreted as fully applying only in the state of innocence; the freedom with which political theory was practically concerned was the freedom of those who were free—an incident of private-law status. Moreover, in typical medieval thought, the concept of freedom did not include a claim to a share in political self-determination; this idea appeared occasionally—notably in Cusa—but the implications of liberty could also be defined in Aristotelian terms: the free man, unlike the serf, could not rightfully be subordinated to any interest narrower than the common good.<sup>17</sup>

These considerations, increasingly explicit as medieval theory developed, led typically to the view that the customary private law and the rights of status

<sup>16</sup> One may suggest that Holmes' decision in *Schenck v. United States* (249 U. S. 47 [1919]) is, in structure and method, a neat instance of the sort of thinking that in the Middle Ages would have implied an appeal to natural law, issuing in the conclusion that natural law prescribed both the general right and the limitation upon it. The fact that the absolute prohibitions of the Bill of Rights still have a sort of natural-law aura about them, while their qualifications may seem to rest only on judicial interpretation, is an index to the shift that has occurred in the meaning of natural law. In the field of civil liberties, the practical gain may well outweigh the loss in theoretical clarity; in the case of property-rights, the balance-sheet is less clear.

<sup>17</sup> Cf., e.g., the varying implications of freedom in Aquinas, *Summa Theologiae*, I, q. 96, a. 4, and *De Regimine Principum*, Bk. 1, Ch. 5; Thomommo of Lucca, *De Regimine Principum*, Bk. 2, Chs. 8 f.; Marsiglio, *Defensor Pacis*, *Dictio* 1, Ch. 12, sec. 6; Occam, *Dialogus*, Pt. 3, Tr. 1, Bk. 2, Ch. 6 and Tr. 2, Bk. 2, Ch. 50; Cusa, *De Concordantia Catholica*, Bk. 2, Ch. 14.

and property embodied in it were normal boundaries to the rights of government, but that, on occasion, those boundaries could be infringed "for a just cause," or for "the common necessity or utility." Here medieval thought found room for equity, for the dispensing power, for the forfeiture of liberty or property as a penalty for crime, for the occasional change of laws which time had rendered obsolete. But the issue that particularly focussed this conception was, of course, the issue of taxation.<sup>18</sup>

In the scholarly theory of taxation, as expressed by civilists, canonists, and theologians, the custom-law conception that private rights were an absolute boundary to public authority yielded to the conception that "the welfare of the commonwealth" was among the basic interests of men—that the state was no mere convenience, but a necessary condition, and a part, of the common good. This conception did not imply a personification of the state or the balancing of a separate *raison d'état* against the interests of private men; it rather implied that the common interest in the maintenance of the state took precedence, on occasion, over the common interest in the maintenance of the private law. Thus, in the "case of necessity," the private rights which were a normal barrier to the area of discretion were temporarily dissolved. "Necessity has no law": in this instance, no private law.

Now there were lawyers and publicists who said simply that it was the ruler's function to determine when this situation existed, but the more typical medieval answer was that, in this admittedly abnormal situation, the king's finding of a "case of necessity" should be combined with the consent of the private men whose normal rights were thereby affected. The maxim, "What touches all should be approved by all," came to be cited as the rational principle on which this procedure was based.

I need barely mention the tremendous historical consequences that followed from the medieval application of this principle. But I want to emphasize that the medieval theory that originally rationalized the participation of subjects in the decision of certain public questions was very different from some theories

<sup>18</sup> The following section leans heavily on Gaines Post's analysis of the legal theory of taxation and consent in the articles already cited and "*Plena Potestas and Consent in Medieval Assemblies*," *Traditio*, Vol. 1, pp. 355-48 (1943), and "The Two Laws and the Statute of York," *Speculum*, Vol. 29, pp. 417-32 (April, 1954). The legal theory described by Post seems to me to be partly reflected and supported by theologians: e.g., Aquinas, *De Regimine Judaeorum*; Tholomeo, *op. cit.*, Bk. 2, Ch. 9; John of Paris, *De Potestate Regia et Papali*, Ch. 7; Occam, *Dialogus*, Pt. 3, Tr. 2, Bk. 2, Ch. 23; cf. Bayley, *op. cit.*

The emphasis here is obviously a departure from the familiar emphasis, e.g., in McIlwain, *Growth of Political Thought in the West* (cited in note 2), pp. 370-73, 382-85: that the dominant trend of medieval thought was that which set the private law as an impermeable limit to royal right and thus balanced the absolute authority of the king in government against the absolute proprietary rights of his subjects, construing grants of supply as "in the main voluntary with the subject" (p. 373) and making the whole taxation process essentially a bargain between two mutually independent centers of right. McIlwain recognizes the existence of an alternative "Romanist" tradition; evidence seems to be accumulating that the influence of "Romanist" ideas on medieval theory was both earlier and more extensive than was once supposed.

later associated with those consequences. It did not, of course, imply popular sovereignty. What sovereignty there was in the medieval kingdom belonged to the king. Nor did it imply an appeal to self-determining wills, each with an irreducible right to grant or to refuse. As theory saw it, the problem of taxation was not primarily a dilemma in the realm of subjective will, an issue between what the king wanted and what his subjects wanted, to be solved by persuasion or dickering. It was a dilemma in the realm of objective rights, to be solved through a formal procedure in which all relevant rights were recognized as relevant, and in which the question requiring consent was presented as a rational question to be determined through consideration of the objective nature of the situation—like the question that a judge puts to a jury. Given this procedure, the issue of right hinged on an issue of fact. If the king could present a valid case for his claim of manifest necessity or utility, the rights of the subjects automatically dissolved; they had no rightful alternative except to consent; if they refused, it could be argued that the king had a right to go ahead anyhow. But if the king did not have a good case, he had no right, for the authority of a king evaporated wherever it was misused.

Now this whole view had certain implications worth discussing. It assumed, for one thing, that an assembly of subjects could unite in a rational recognition of the imperatives of the common good because it was *their* common good. This assumption did not always work, but where it did, it began to chip at the edges of the argument that unity demanded the concentration of all decisions in the one will of the king. The assembly that had at first been conceived primarily as representing private men began to seem more and more like a public institution. The English parliament, in particular, was able to insist that it be associated with the king in the changing of the customary law and in determining major questions of public policy. In the actual course of this development, the clash of wills and the discovery of techniques of bargaining played, of course, a considerable part. But through the Middle Ages—and, I suggest, considerably beyond—the assumption continued that the considerations on which decisions were made by “the king in parliament” should be and would be objective considerations of the common good.

Just when and how the primarily objective and rationalist medieval view of the common good was transformed into the primarily subjective and voluntarist modern view is not for me to say. But I suggest that some of the muddle-headedness with which Locke is charged was due to the fact that he was looking at things in a somewhat medieval way; and even the Founding Fathers were a couple of centuries nearer the Middle Ages than we are. By the time one gets to *The Federalist*, one finds, I think, a continuing confidence that there is an objective common interest that rational men can and will find, combined with the different idea—not present in medieval thought nor, for that matter, in Locke—that a common interest has to be integrated from the diverse interests of factions. Curiously enough, in spite of their reverence for Aristotle, medieval thinkers were almost completely obtuse to the sense of Aristotelian theory that starts with the notion that the opposition of class interests is a first datum of

politics;<sup>19</sup> so far as I know, that idea first clearly re-enters political theory with Harrington. Clinging to the conviction that the larger imperatives of justice and natural law were based in universal reason, and that the interests of all classes were objectively harmonized in a common good, medieval thinkers could assume that, while authentic differences of opinion could appear on questions of practical detail, any wilful deviation from what was "manifestly" necessary, just, or useful must be an instance of perversity or ignorance—neither of which, of course, could constitute a claim to right.

In this conviction lay the bases of the medieval principle of the nullity of misused authority, which issued in various and complex doctrines of private disobedience and resistance, public deposition, or the nullification or reinterpretation of the king's ordinances by the king's officers. These doctrines did not typically assume that the individual, the community, or the magistrate was superior to the king, still less that he was responsible to their wills; they implied simply that the king's right lapsed when it was definitely abused, and that rational men could see when that had happened.

Another result of the objective and rationalist medieval approach was to ease the medieval transitions from personal consent to the consent of representatives and from the rule of unanimity to the majority rule. From the time of Rousseau, people have been scolding Locke for the sleight-of-hand with which he made these transitions. But, from a modern voluntarist point of view, the really shocking transformations occurred in the Middle Ages, when the principle, "What touches all must be approved by all," was used to describe the consent of a majority of representatives—and, be it observed, of representatives equipped with "full power"<sup>20</sup> and unrestrained by any of the modern devices for securing responsibility to their constituents. We know a good deal about the immediate interests and the institutional and ideological context that facilitated the revolutionary acceptance of consent through representatives and of the binding power of a majority,<sup>21</sup> but we shall look in vain in medieval writings for any extensive or fundamental defense of this revolution. And I suggest that one reason was that the people who were concerned with theory were not looking at it from a modern voluntarist point of view. The representa-

<sup>19</sup> The nearest one comes to this seems to be in some of Marsiglio's arguments, *op. cit.*, *Dictio* 1, Chs. 12, 13, for the inclusion of all classes of citizens in the *legislator*; but note that Marsiglio was not sufficiently concerned about the possibility of deadlock between opposing classes to provide any precise rules for the computation of votes, and that he seems to have taken for granted that the process he rather vaguely describes would result in almost unanimous consensus on "a proper and true ordination of just things"; cf. Alan Gewirth, *Marsilius of Padua* (New York, 1951), Vol. 1, pp. 182 ff. The argument from the difficulty of securing agreement in a group was, of course, one of the standard arguments for kingship, but this argument typically proceeded without any allusion to class interests.

<sup>20</sup> On this phrase, see Post, "*Plena Potestas* and Consent in Medieval Assemblies" (cited in note 18).

<sup>21</sup> M. V. Clarke, *Medieval Representation and Consent* (London, 1936), Chs. XII, XIII, traces the role of some of these factors in thirteenth-century England.



tive was there to represent not so much the wishes of his constituents as the rational acquiescence that they would be bound to give to a rationally-compelling case. And, in a matter which had really nothing to do with separate interests or desires, a majority could be assumed to be what canonists called "the greater and wiser part," whose decision could plausibly be taken as the perception of what was right.

The assumption that a community could unite in the recognition of its common needs supported the late-medieval development of the doctrine, already long present in medieval thought, that the customary law and the authority of rulers had been originally established by the people. This doctrine was not necessarily connected with a doctrine of popular sovereignty; it did not issue in an argument that rulers should be responsive to mandates from the popular will; nor was it designed to vindicate the rights of individuals against the state. Its development was partly a defense of the autonomy of the state against some of the more extreme claims of papalist theory, and partly an attempt to define a legal basis for some specific public functions exercised by representative bodies: e.g., consultation and consent, election, deposition. In most instances, it was a juristic or historical doctrine rather than a moral one: it was not an attempt to answer Rousseau's famous question, to which medieval thought had already replied. Thus the typical discussion could proceed mainly by the assertion of a plausible hypothesis which required no great effort of abstraction: one simply postulated, in the distant past, a community which needed laws and a government, which did not have any, and which was capable of sufficient consensus to provide for its needs. It could then be assumed that the constituent community had retained for itself certain non-governmental rights which came into play in special circumstances.

Occasionally, however—certainly in Cusa, perhaps in Marsiglio or Occam<sup>22</sup>—one finds the suggestion that the consent of the community was an essential factor in the legitimacy of authority itself, on the grounds of the natural freedom of men. But this suggestion still occurred within the framework of the characteristic medieval conviction that government was necessary to man—that it was, as James of Viterbo had put it, "from God through the mediation of nature, which tends thereto, and through the mediation of reason, which carries out the tendency of nature."<sup>23</sup> "Voluntary servitude," Cusa said, "was bound to that necessity, on account of the necessity itself."<sup>24</sup> Thus the consent of man to coercive authority was a step in the implementation of a rational dictate, an active cooperation in the carrying out of a moral imperative, rather than a decisive act of self-determining will. The discretion of the community appeared only in its more concrete decisions: its choice of a ruler, its embodiment of the

<sup>22</sup> Cusa, *op. cit.*, Bk. 2, Ch. 14; Marsiglio, *op. cit.*, *Lectio* 1, Ch. 12, sec. 6; Occam's strongest statement is in his *Breviloquium* (ed. L. Baudry), p. 121; cf. Gauthier, *op. cit.*, pp. 219 ff.; Lagarde, *op. cit.*, Vol. 6, pp. 188-92; Lewis, *Medieval Political Ideas*, Vol. 1, pp. 28, 159-62, and notes.

<sup>23</sup> *De Regimine Christiano*, Pt. 2, Ch. 3.

<sup>24</sup> *Op. cit.*, Bk. 3, preface.

general rules of natural law in "the laws of the lands," adapted to its special needs and circumstances.

Thus, although the idea of an original contract appeared at times in medieval thought, it did not play the pivotal role that it played in later systems.<sup>25</sup> It was not needed to explain the moral obligation of obedience, which followed directly from the fact that government was necessary to man. It was not needed to explain the moral limits of obedience, for the government that was necessary to man was inherently limited by principles no human will had made. The contract, in medieval thought, was little more than a convenient symbol for a contingent, reciprocal relationship, whose particular form might well have been shaped by human agreement, but whose essential obligations were far more deeply based.

When Jefferson said that "governments derive their just powers from the consent of the governed," the principle he enunciated was derived from medieval thought, but his meaning was surely not the medieval meaning. Just how far the reinterpretation of inherited concepts had gone by this time, I am not competent to decide, but I shall try to point out the general directions of change.

Between the fifteenth century and the eighteenth the idea of freedom had moved into a central place in political theory and developed implications that had been scarcely rudimentary in medieval thought. The idea that reason could discover what, objectively, was right had been complicated by the pervasive growth of the idea that the objective rights of man included a considerable right to determine what he wanted, and this idea had given a new significance to the notion of consent. The discussion of the basis and limits of political authority had given a larger place to the role of will—with at least a suggestion that men might have chosen to remain in a quite tolerable state of nature. Legislation and taxation and economic regulation had come to be part of the regular business of government; the area of discretion increasingly involved matters that affected all men deeply, and on which men deeply disagreed. The Reformation, the constitutional struggles of seventeenth-century England, and the long-continued Anglo-American experience with representative institutions had accumulated evidence that, even within a common ethical tradition, the specific, day-to-day formulation of the common good would involve a clash

<sup>25</sup> Contrast the central role of the contract in Locke with its peripheral role in, e.g., Aquinas's several discussions of the limits of political obligation (he mentions a contract only once, and then at the end of his discussion in *De Regimine Principum*, Bk. 1, Ch. 6); or in the analysis of the limits of obedience by the "voluntarist" Occam, *Dialogus*, Pt. 3, Tr. 3, Bk. 2, Chs. 20, 26–28. Altogether many medieval writers agreed in the belief that government had originated through an act of the community, and although medieval writings are sprinkled with references to Augustine's "general compact of human society to obey its kings" (*Confessions*, Bk. 3, Ch. 8, q. Gratian, c. 2, di. 8), discussions of the obligations of ruler and subjects could, and often did, proceed quite as well without as with any reference to this compact.

Note also the shift in the significance of the contract implied in Locke's insistence on unanimous consent compared with the medieval references to the constituent consent of "the people."

of factions, and that it could not safely be entrusted to any single will or group of wills. The governmental agencies that in the Middle Ages had appeared as projections and qualifications of the king's will had come to be more clearly differentiated in function and to be construed as distinct in origin and power. Detached from the single person of the king, the notion of sovereignty had become more complex, its location uncertain; it might even be asserted that sovereignty could be divided. The concept of rational consensus on questions of "manifest" right had been shrinking back from the realm of governmental action, to protect all the more rigidly the matters on which no government should act. Within the realm of action, appeals to reason and, especially, the appeal to utility were becoming appeals to public opinion, disconnected from the theory of natural law. And, although the concept of a supreme natural law still lingered, natural law had changed: it had lost much of its flexibility and its claim to pervade all issues of social right; it was congealing into dogmatic rules stated without qualification; its chief concern was the arrangement and maintenance of invariable rights. The experience of seventeenth-century England had suggested that a right that varied with circumstance too easily became no right at all. In the course of that experience, the English common-law had been assimilated to the law of nature; and the permanent inviolability that medieval natural law had attached to the moral needs of man had come to adhere to certain institutional means, and notably to the structure of property. In general, the attention of political theory had been shifting from the recognition of discretionary authority and the definition of the moral principles that qualified it, to a search for techniques to limit discretion, to direct it, and to keep it responsible to the subjects' will. For, in proportion as the medieval idea of the intrinsic sovereignty of government was being confronted with the younger idea of the intrinsic sovereignty of the individual, the chief problem of practical and theoretical politics was becoming the problem of how to reconcile the two. But this was a question that medieval political thought had never had to face.

# POLITICAL THEORY AND THE STUDY OF POLITICS: A REPORT OF A CONFERENCE\*

(*Rapporteur*: HARRY ECKSTEIN, *Harvard University*)

This is a report of a conference on Political Theory and the Study of Politics organized by the Department of Political Science of Northwestern University, thanks to a grant by the Carnegie Corporation of New York. The conference was held on February 24, 25, and 26, 1955, in Evanston, Illinois.

The following papers were presented at the conference and are available upon request to the Department of Political Science of Northwestern University: "The Unity of Political Theory," by Norman Jacobson, University of California (Berkeley); "The Place of Classic Political Theory in the Study of Politics," by Mulford Sibley, University of Minnesota; "Political Ideology as a Datum for the Study of Politics," by Frederick Watkins, Yale University; "American Political Theory and the Study of Politics," by Robert McCloskey, Harvard University; "Political Philosophy and the 'Science' of Politics," by Carl Friedrich, Harvard University; "Political Philosophy in the 20th Century; An Appraisal of its Contribution to the Study of Politics," by Lindsay Rogers, Columbia University.

The following persons, in addition to the members of the Department of Political Science of Northwestern University, participated at the Conference: David Easton, University of Chicago; Cortez Ewing, University of Oklahoma; Frank Grace, University of Michigan; Pendleton Herring, Social Science Research Council; Thomas Jenkin, University of California (Los Angeles); Evron Kirkpatrick, American Political Science Association; Avery Leiserson, Vanderbilt University; Norton Long, Western Reserve University; Austin Ranney, University of Illinois; David Smith, Swarthmore College; John Stewart, Rockefeller Foundation; Kenneth Thompson, Rockefeller Foundation; and Sheldon Wolin, University of California (Berkeley). Roy C. Macridis, Northwestern University, organized the conference and acted as chairman and Harry Eckstein, Harvard University, was the rapporteur.

The report indicates the most significant aspects of the discussion and highlights the false distinction between "behaviorists" and "theorists." At the same time it meets squarely the issue of the role of political philosophy in graduate instruction in political science.

It should be pointed out that this report is not meant in any sense to be a comprehensive summary of the proceedings of the conference. No stenographic notes were kept, and Dr. Eckstein did not attempt to reproduce the individual arguments presented in the various papers. He followed and often participated in the discussions that took place, and what he wrote may be considered to be in the nature of an interpretive commentary upon the conference. In a number of instances he may have omitted important remarks made by individual participants, while in other instances he may have summarized only too briefly arguments that to some participants appeared to be important. This in a sense was unavoidable.—ROY MACRIDIS, *Northwestern University*

The issues which arose during the discussions of the conference fall fairly conveniently into three compartments.

First, we obviously had to settle, with reasonable clarity, what we were talking about: what "political philosophy" is, what "political science" is, and whether they are really distinguishable. The basic issue of the conference was to determine the relevance of the one to the study of the other, and if we had

\* Reprints of this article may be obtained on request to the Curriculum Development Project, Political Science Department, Northwestern University, Evanston, Illinois.

decided that they were really the same thing, there would simply have been no problems for us to discuss. On the whole, we felt that a valid, if not necessarily sharp, distinction was to be made between the "philosophical" and the "scientific" approaches to the study of politics and that we were not discussing absurd or tautological issues. We agreed, however, that all types of political inquiry involve the construction of *theory*, implicit or explicit, and that the title "political theory" has been unjustifiably appropriated by the historians of political thought.

Second, what is the point of studying the political philosophies of the past? Why insist that they be part of the equipment of the professional political scientist? Ought we not to stop "hesitating to forget our founders" and relegate them to the general education courses, where all good obsolete Greats properly belong? Needless to say, these questions, less aggressively phrased, took up most of our discussions. Needless to say also, they resolved themselves into two categories of questions. That is to say, the utility of political philosophy might be found either in the intrinsic ability of the best of past political thought to sharpen the wits of contemporary political thinkers, much as any difficult intellectual exercise sharpens the mind and deepens the imagination, or in the ability of political philosophy to serve as a thought-saving device by providing the political scientist with a rich source of concepts, models, insights, theories, and methods.

Third, what should be the role of contemporary political philosophers in the field—not of teachers of the history of political philosophy, but of people who still devote themselves to creative political philosophy?

The conference did not reach agreement on all of these large issues, nor did we succeed in isolating all the subsidiary problems they pose. But our discussions at least touched on all of them.

#### I. THE END OF THE STUDY OF POLITICS

Most of the disagreements which arose during the discussions of the conference arose from certain fundamentally different ideas about the "end" of the study of politics. It is very difficult to state precisely in what sense our ideas on this subject differed; certainly we never had a sharply focussed debate on it. But there were perceptible differences in mood among the members, a certain something in the "climate of opinion" which was omnipresent, if only as an undercurrent, in the debates we did have. In sharply focussing the issue, therefore, there may be some distortion of what was actually said at the conference.

For the sake of clarity, it may be useful to deal with the various shades of opinion which gradually emerged on the subject in terms of a dichotomy of views. On the one hand, there were certain people who would probably not object to being called behaviorists if I confess to loose usage of the term; these people seemed to feel that the main task of contemporary political science (its historic mission, as it were) is to transform the field of political studies into a genuine scientific *discipline*. What this means will be discussed more concretely below. On the other hand, there were certain people (anti-behaviorists, again

loosely speaking) who felt that the end of the study of politics was something they called political *wisdom*, and that wisdom about (or in) politics could not be achieved at all, or that it could not be best achieved, by the sort of discipline the behaviorists seemed to want. The vast majority of the members of the conference, however, steered a careful, even if at times ambiguous, middle course between these extremes.

What troubled the "behaviorists," of course, was the extreme eclecticism and individualism of effort in political science. The field seemed to them to lack all the characteristics of a discipline, especially the constant accumulation of tested theories, a high degree of meaningful communication among its practitioners, and a high degree of cooperative research activity. This, they felt, makes us different not only from the natural scientists (a difference which might be justified on the basis of differences in subject-matter and practicable research techniques), but also from other social scientists, especially economists and sociologists, and for this they felt there was no justification at all. But exactly why does political science have so extraordinarily little "discipline"? The diagnosis of the behaviorists is a familiar one. We do not accumulate, communicate, and cooperate sufficiently because we have no common language, no common problems, no significant methodological agreement *in the field as a whole*; and we lack these highly desirable things because we do not have a comprehensive and shared model (or conceptual scheme) of the political process which could guide our researches and give them a collectively coherent structure. Our task, therefore, is to unify and to systematize our field; at any rate, this, if not the ultimate end of the study of politics, should be our immediate goal.

Obviously, however, the behaviorists were not willing to buy discipline at the price of "wisdom." Therefore, when the "anti-behaviorists" opposed them with pleas for wisdom they clearly had something rather special in mind, something which can be roughly put as follows (and it can only be put "roughly"):

- (1) Wisdom is to be found not in "explanation" but in "understanding." "Explanation," the anti-behaviorists felt, involves the systematic collection of data and the rigorous application of theoretical procedures (hypothesizing and testing, presumably) to the data, generally in accordance with a set of arbitrary rules which, properly observed, result in something called "verified theory." The whole process, in short, is a mechanical sort of game rather than genuinely intellectual, speculative activity. In its most repulsive form, it is "scientism," which was defined by one member as the use of mathematical procedures for the manipulation of political data. "Understanding," on the other hand, goes to the very core of experience; it involves, presumably, some deeper, perhaps more intuitive grasp of the meaning of reality. It is more likely to grow out of a flash of insight than a long evening with the logarithm table; it is certainly more likely to be found in an aphorism than in a conceptual scheme. One can get "understanding" only from a sensitive, critical, imaginative mind, not from a mere human IBM machine.
- (2) Wisdom, moreover, penetrates certain kinds of experience which a "scientific" discipline either

could not or would not touch and which may be the most important in our field. There is, in the first place, the field of moral speculation. Morality cannot be factored out of politics or the study of politics, it only because the very function of politics is to formulate imperatives and to back them with collective force. There is, again, the field of immediate practical activity. We cannot wait for the scientific machinery to grind out rigorously tested results before we act. Action is thrust upon us; policies have to be made, usually on the basis of something less than total knowledge and absolutely systematic calculation. Nor should the student of politics wash his hands of the charges he has no influence practical activity simply because he is not in command of a commonly shared theoretical system. At the very least, he has sufficient knowledge and experience to justify his influence. And one may even suspect that "wisdom," in the rather vague sense used here (a good grasp of data, keenness of mind, highly-developed critical power), is more likely to be useful in practical activity than any systematically formulated theories would be, even if we had them.

In a sense, all this means simply that the behaviorists wanted to *train*, the anti-behaviorists to *cultivate* people engaged in the study of politics. But the vast majority—the "Marsh" of our Assembly—felt that the distinction between discipline and wisdom is a false one. They believed that we not only could but must have the best of both possible worlds. And this feeling seemed to grow out of genuine reasons rather than equivocation or politeness toward the extremists in the group.

In the first place, the moderates agreed on the desirability of "discipline" in the field, if by discipline is meant the cooperative and progressive accumulation of tested theories and a high degree of meaningful communication among the practitioners of political science. They did not, however, agree that the field was unprogressive and inchoate now. We do make progress, even though we may not be as self-conscious of it as people in other social sciences. What, after all, constitutes progress in a field like political science? It involves: first, increasing refinement in the definition of problems (learning what sort of questions to ask and not to ask); second, increasing conceptual precision; third, the accumulation of specific hypotheses about specific political systems and political behavior in general; fourth, the systematic conceptual analysis of the field; and fifth, the application of useful concepts, theories, and techniques from other fields to our subject-matter. One can easily cite long lists of recent works which make "progress" in all of these senses: e.g., Welton's analysis of the epistemological status of certain traditional problems in political philosophy, a whole spate of books (by Lasswell and deJouvenel, among a good many others) on "power," Goguel and Williams' analyses of the French political system, David Easton's diagnostic study of the current state of political science, the impressive use of psychological techniques by the authors of *The Authoritarian Personality* (who, to be sure, are not professional political scientists), DeGrazia's use of anomie theory in *The Political Community*—one could go on for pages. And one need scarcely mention the accumulation of concepts and theories, the

increasing refinement of techniques, the checking and rechecking of old theories, and the constant cross-fertilization of the field achieved by the best of the political "behaviorists" themselves.

The moderates, therefore, disagreed first of all with the behaviorists' diagnosis of the condition of the field. They disagreed also with their apparent desire for the organization of our work on the basis of some authoritarian conceptual scheme. They felt, in short, that eclecticism was desirable. No single line of approach, no conceptual map, however large its scale, could ever exhaust the richness of any field, least of all a field as rich as politics. If we all agreed on a single line of approach, we should soon find ourselves mistaking the map for reality and feel that we had progressed when we had translated familiar facts into unfamiliar jargon. The sense of being in on a mystery, which distinguishes most of the economists and some sociologists from ourselves, may not be an altogether unmixed blessing, particularly if it involves the identification of "science" with the rules of some esoteric methodological and conceptual game. The moderates felt, as Mill felt, that only pseudo-progress could be achieved by rigid conformity of any sort.

What then distinguished the moderates from the anti-behaviorists? The essential difference between them was that the moderates were unwilling to strip the field of all "scientific" pretensions and to concede that insights are superior to systems and aphorisms superior to correlations. The moderates felt simply that insights need to be subjected to rigorous analysis and that no aphorism can stand on its own two feet merely because it issues from a sensitive mind. Hence, of course, their insistence on eclecticism: the simultaneous cultivation of what the anti-behaviorists called "understanding" and "explanation," i.e., insight and discipline. They also felt that no real distinction was to be made between wisdom and science; that, in effect, the anti-behaviorists were using a value-laden term merely to conceal a profound anti-scientific bias.

These views led to three fundamentally different positions on the subject of the conference. One group felt that political philosophy probably does no one any great harm, but that it does very little good, either, so far as the condition of political science is concerned. Another group felt that political philosophy comprises all that is genuinely admirable and useful in the field. The third felt that political philosophy should have a major place in our departments precisely because it can play a useful role in political "science" itself.

## II. POLITICAL PHILOSOPHY AND POLITICAL SCIENCE

What we called "political philosophy" is generally called "political theory" in the departments of political science. As I have said, we all agreed that this involves a mistaken use of the word "theory." Theorizing plays a role in all kinds of inquiries, even inquiries which pretend to do nothing more than collect data. After all, criteria of selection imply judgments of significance, and what are judgments of significance if not theories? Thus, we agreed that the theorist-behaviorist dichotomy, which seems to be taken seriously by most political



scientists, is naive at best and dangerous at worst; dangerous, in the sense that a sharp separation between "theory" and "empirical" inquiry is likely to lead to both bad theorizing and bad empirical work.

What then did we mean by "political philosophy"? In the first place, we meant the great political speculations of the past, the works of people generally taught in our political theory courses. We were aware, of course, that it is arbitrary in the extreme to label as "philosophy" anything written before the First World War and to withhold the term from almost everything written thereafter. We decided on this meaning of the term, nevertheless, simply because we wanted to discuss the value of studying the Greats who had written on our subject.

Many members of the conference, however, thought that there was a more serious distinction to be made between political science and political philosophy. Political science, of course, is concerned with the analysis of actual political behavior. Political philosophy, we felt, could be distinguished from it on at least three reasonable grounds: subject, scope, and criteria of validity.

So far as subject is concerned, political philosophy is distinguished chiefly by the fact that it deals not only with matters of fact but also with matters of norm: either moral theory in the abstract or questions of immediate practical activity. Political philosophy, in short, is "concerned with ends as well as means"—one of the most frequently used phrases at the conference. In addition to moral theory, political philosophy also involves another kind of speculative activity, not strictly part of political science but highly relevant to it. This sort of speculative activity we might perhaps call "meta-theory": theory about theory. The term refers to something I have difficulty in putting very precisely, but anyone who has followed the trend in the contemporary philosophy departments will know what I mean. Modern philosophy seems increasingly to have given up the historic work of philosophy, the search for substantive truth. It seems increasingly to concentrate on commenting upon what the people who do search for substantive truth are doing: the language they use, the methods they employ, the epistemological and metaphysical implications of their activities, and so forth. Someone has said—and with some justification—that modern philosophers (in Britain and America) are "clever dilettantes who criticize the work of dull specialists." But this is not meant to poke fun at "meta-theory," which can obviously be extremely useful in the development of science. Meta-theory, in the sense the term is used here, includes analysis of the sort of problems one can fruitfully raise, the sort of language (concepts) one should or should not employ, the "ultimate implication" of substantive research findings, methodological analyses, general criticisms of research procedures and findings, and, not least, the overall programmatic analysis of a field, "programmatic" referring to the sort of analyses which are meant to lead to research rather than to present research findings. Weldon's *Vocabulary of Politics* and much of the work done by the Social Science Research Council's committees are fairly familiar cases in point.

So far as scope is concerned, political philosophy is characterized chiefly by

system-building, i.e., the construction of comprehensive theories of politics. The line cannot be drawn precisely because we have no convenient measures of partialness and comprehensiveness. But one can at least illustrate the extremes. On one extreme would be, let us say, a theory explaining the defeat of the British Labor party in 1951; obviously such a theory is not likely to involve the ordering of a very great range of political experience. On the other hand would be theories like Marx's analysis of the state and the determinants of political power, which obviously involve the ordering of almost the whole of political experience and call for a judgment as to what is significant and insignificant in experience as such. Bentley's analysis of the process of government might also be cited on the Marxian extreme, despite his claim to have devised merely a basis for research, and Bentley is especially worth noting here because he is a political analyst to whom the philosophers and the scientists can clearly lay an equal claim, the former on the basis of both the scope and the meta-theoretical aspects of his work.

When we came to "criteria of proof" as a factor distinguishing political science and philosophy, we found ourselves in much muddier waters. Some of us felt that anything validated by correspondence is "science" and anything validated by anything else (or not validated at all—"above validation," perhaps) is philosophy. This would, of course, put moral theory in the realm of philosophy, since one certainly does not test moral theory by correspondence, if one tests it at all. Similarly, meta-theory would be philosophy since it, in a sense, is merely theory about testing itself.

The chief task of the conference was, of course, to discuss the utility of political philosophy in each of the two senses I have outlined: the study of the Greats, and the study of "comprehensive" political theories, theories of political obligation (moral theories) and meta-theoretical writings on political science.

### III. THE UTILITY OF POLITICAL PHILOSOPHY

No one disputed that the Greats were worth studying for their *intrinsic interest*. Even the most extreme behaviorists felt that no one need apologize for being interested in the history of thought in our field. They considered the history of political thought to be as worthwhile as any other sort of history. It could no doubt give a great deal of amusement; it was probably as mentally stimulating as chess and as aesthetically pleasing as great art. We agreed that we did not want to breed philistines and that anything amusing, anything mentally stimulating, anything aesthetically pleasing needs no further defense. The question was, of course, whether the history of political thought was anything more than amusing to people who find their amusement in such things. What precisely would be lost if we surrendered our Greats to the history, philosophy, and General Education departments, as have most of the other fields? The behaviorists certainly would not have been very sad to see Plato and Locke deported to other jurisdictions, but the others felt that the loss would be both sad and harmful, most of all to the behaviorists themselves—and not only because they felt that moral theory, whatever its "scientific" status, was

ultimately inseparable from political theory. The following are some other more important reasons:

1. Even if a good grasp of political philosophy cannot be immediately converted into brilliant scientific results, the majority of us felt that analysis of the Greats at least sharpens the wits, deepens the imagination, and refines one's critical powers—and that even the dullest specialist can use all the wits, imagination, and critical powers he can develop. There is no real distinction to be made between a cultivated mind and a trained mind, since some speculative ability is required in even the most routine of behavioral inquiries and practical activities. The majority of us felt that the attitude which underlies the British examination for the Administrative Class was entirely right; there were very few Huxes and Opimians among us.<sup>1</sup> One member of the conference who had had a great deal of administrative experience in Washington felt that, even on the lower bureau levels, men who had a broad grounding in "liberal arts" subjects showed greater capacity and, above all, greater adaptability than men trained mainly in a specialty. Most of us agreed that if the generalizing mind is desirable in a government bureau, it is even more desirable in a scholarly discipline. And most of us felt that speculative and critical abilities are not simply natural gifts, but talents to be developed by contact with great speculative and critical works. This, however, constitutes a defense of the liberal arts in general, not of political philosophy in particular.

2. Secondly, most of us felt that there is a need in any field for people who do not fully share the assumptions and attitudes of the orthodox "scientists." Every social organization has a tendency to isolate and punish the eccentric, to compel conformity to its dominant conceptions of ultimate truth and ultimate value, and frequently for good reasons. But the majority of the conference was sufficiently of the classical liberal persuasion to feel that too much success in this respect is self-defeating. No one can be sure that the scientific assumptions of today will not turn out to be the metaphysical nonsense of tomorrow; but we can be fairly certain that it is almost always the non-conformist who breaks new ground and makes "progress." One way to prevent the over-routinization of new and temporarily dominant ideas is, of course, to keep the history of ideas constantly in mind; if nothing else, this will engender a healthy perspective to-

<sup>1</sup> Miss Hux (in T. L. Peacock's *Gryll Grange*): "The poor young men . . . are not held qualified for a profession unless they have overloaded their understanding with things of no use in it. . . ."

The Rev. Dr. Opimian: "Very true. Brindly would not have passed as a canal-maker, nor Edward Williams as a bridge-builder. I saw the other day some examination papers which would have infallibly excluded Marlborough from the army and Nelson from the navy. . . . Fancy Watt being asked how much Joan of Naples got for Avignon when she sold it to Pope Clement the Sixth."

Compare, on the other hand, the remark of Mr. Flosky (in *Nightmare Abbey*), who speaks for the "wisdom" party (Flosky is a parody on Coleridge, a political philosopher in good standing): "My dear Miss O'Carroll, it would have given me great pleasure to have said anything that would have given you pleasure; but if any person living could make report of having obtained any information on any subject from Ferdinando Flosky, my transcendental reputation would be ruined forever."

ward the authoritarian tendencies which generally afflict every field of inquiry at every stage of its development. Another way to prevent it is to present the student with a variety of different approaches to the analysis of the same subject; and this, in lieu of a sufficient number of eccentrics in our departments, can be accomplished by studying the eccentrics who fill Professor Sabine's book. Thus, while some of the behaviorists agreed that the study of political philosophy is useful as long as we do not have a real discipline of political science, the rest felt that it would be particularly useful when and if we ever got a discipline worthy of the name.

3. The majority felt, however, that there is a still stronger argument to be made for retaining the history of political ideas as a central part of the field. This argument rests on the very nature of the social as distinguished from the natural sciences. The study of society must be historical and "dynamic" precisely because the social sciences do not deal with a closed universe into which nothing new ever intrudes and in which a fixed mechanism plays itself out into a constant uniformity of motion. Most of us were on the side of Heraclitus and Hegel: "Everything is and is not, for everything is fluid, is constantly changing, constantly coming into being and passing away." Whether the natural sciences also deal with a dynamic universe the conference, unlike Engels, did not dare to discuss; but we felt reasonably certain, at any rate, of the need for dynamic models and theories in the social sciences.

Consistently with this attitude, we felt that the impression of unreality many of us get from sister-fields like economics and sociology is due to the prevalence of static models in these fields. Nor did we think it accidental that static models should be so prevalent in them. We agreed with one of the members that the emphasis on methodological rigor in these fields results in an exaggerated preoccupation with the "here and now" and hence with static analyses of static social situations. Political philosophy, even if it cannot claim the logical rigor of economic theory or the empirical comprehensiveness of the Yankee City series, at least accommodates the "intelligent" analysis of the real essence of our subject, dynamic change in time. We felt, of course, that a rigorous dynamic approach to social behavior may some day be worked out by the behaviorists. But the majority felt that the work of the economists, sociologists, and our own behaviorists offered no immediate hope of this and that there was such an affinity between systematic rigor and static analysis that there was every prospect of disappointment in the future. Hence, at least in the short run—and probably also in the long run—a healthy emphasis on dynamic analysis presupposes an equally healthy emphasis on political philosophy, as distinguished from the sort of thing the behaviorists wanted.

4. There is still another argument to be made for political philosophy on the basis of the dynamic historical nature of political science—and here we come much closer to the "cash value" of political philosophy to the behaviorists. The documents which comprise the history of political thought are simply one of the sources (many sources) on which we can construct knowledge of politics in the past. They are not absolutely reliable documents; they are certainly not

compendia of the sort of information about the past all of us want. Hence the tendency of the rigid behaviorists to neglect the past for the here and now: we simply cannot do in the past what *The Authoritarian Personality* has done in the present. But this is a fault which documents in political philosophy share with all other historical documents, and even perhaps with contemporary documents. After all, Plato's *Dialogues* and Aristotle's *Politics* may contain more information relevant to the general analysis of political behavior than all the voting statistics compiled and sifted for Erie county. The problem of checking and evaluating the information contained in the documents of political philosophy merely involves the application of historiographical techniques. That does not mean that the problem is easy to solve in every case; it does mean that a discipline for coping with it exists—a discipline incidentally, in which most of us unfortunately have no technical training. The point is that political behavior in the past is an indispensable datum for the analysis of political behavior as such; hence we must make the best we can of the sources we have on past political behavior, and the history of political thought is one of these sources. There may be better ones, but in historical research one must use everything one can get.

5. Moreover, the history of political thought, not least because of the moral consciousness of the political philosophers, may be particularly informative on a matter of obviously central importance in the field: political ideologies. Most of us agreed that political activities and political attitudes are inseparably related aspects of the same phenomena. Conceptions of "legitimacy," the myths in men's minds, the way in which they view the world and the way in which they translate their world-views into political "directives" are absolutely fundamental to the correct analysis of political behavior. Even our behaviorists were not behaviorists in the more narrow sense of the term.

But here a disagreement emerged among the members of the conference which was never successfully resolved, even among the moderates. Do the highly refined ideologies which constitute our History of Political Thought courses really and accurately reflect ideologies which have actually influenced behavior? Do the sort of people whom Max Weber called *Kathedersozialisten* really have the same sort of attitudes as the people who actually go to the barricades? If we agreed on anything here, it was on the point that no general judgment could be made on the matter; every case must be treated on its own merits. We felt that probably all political philosophies (above all American political philosophies) reflect popular ideologies; that the consciousness of even the most free-floating intellectual is conditioned by the consciousness of his society; and that this social consciousness can manifest itself not only in conformity with an ideology but also in revolt against it. Hence, the majority of us felt that all political philosophies are potentially useful sources of politically significant ideologies.

We also felt, however, that the unsophisticated identification of political philosophy and politically significant ideology is full of dangers. The fact that Rousseau's political thought has both democratic and totalitarian implications

(if it does) does not mean, *ipso facto*, that they are the sources of British socialism or that British Socialists think like Green, Bradley, and Bosanquet. Hence, positing a one-one relationship between "political philosophy" and politically significant "ideology" is, perhaps more often than not, merely a way of avoiding difficult historical research.

Many of us felt that, in most cases, we have available infinitely better sources of politically significant ideologies than the cream of political thought, and that neither the political behaviorists nor the political "theorists" have scratched even the surface of these sources—although the historians have, usually for purposes different from ours. The "behaviorists" have not extracted the juice from the sources because they are too current-events-conscious and frequently lack a decent training in historiography. The "theorists" have neglected them because they lack adequate training in empirical research techniques and because they are not genuinely interested in political behavior. There is, consequently, a vast territory of politically significant information which lies fallow, mainly because we seem unable to reach a reasonable compromise between the study of Plato and the study of local government in Illinois.

Many members of the conference felt that the priority of research in ideologies should be given to these sources (legal documents, novels, letters, memoirs, pamphlets, handbills) rather than to the Greats. Others, however, felt that the Greats were at least a source of what we want and that the evaluation of their "relevance" posed no problems intrinsically different from the problems posed by the other sources.

6. If political philosophy is valuable as a source of data, it is also valuable as a source of ideas for analyzing the data. The history of political thought is indisputably a gold-mine of concepts, models, hypotheses, and methods which may turn out to be useful even in the analysis of contemporary political behavior.

What really disturbed us on this subject was not whether political philosophy is useful but why the reservoir of potentially useful ideas in the history of political thought is not being used more. After all, if we want a "cumulative" discipline we need not begin entirely from scratch; we need only use whatever is useful in past thought on politics. The reason we rarely do this is plain and has already been mentioned: the fact that the behaviorists have a generally insufficient interest and preparation in the history of political thought and the fact that the historians of political thought hardly ever do anything but expound the history of political ideas.

This is the real core of the difficulty, and the real reason, many of us felt, why it was necessary to have a conference on the relevance of political philosophy to political science at all. Their relevance to one another seemed beyond question to the majority at the conference. And if the majority is right, the problem of the conference is ultimately a political rather than an intellectual problem: how to persuade the practitioners in the field to develop a healthy interest and to acquire a healthy preparation in both political science and philosophy. It should be added that we did not feel that this is simply a matter of persuading the be-

haviorists to take their Aristotle out of the basement. It would also involve persuading the political "philosophers" to stoop to the grimy work of empirical analysis occasionally. Our villain, in the final analysis, and not surprisingly, was simply the "behaviorist"- "theorist" dichotomy.

#### IV. THE ROLE OF THE CONTEMPORARY POLITICAL PHILOSOPHER

But what of the contemporary political philosopher, i.e., the man who is less interested in expounding the history of political "theories" than in adding to them? What sort of work might he do? And, above all, in what special ways can he be useful to the political "scientists" other than those in which all political "theories" are useful to them?

1. The anti-behaviorists felt, on the whole, that he should perform two roles. First, he should undertake the never-ending task of ethical and moral reflection: ethical reflection toward the definition and critique of ultimate imperatives, moral reflection toward the definition of actions which can approach the imperatives in practical activity. In effect, he should address himself to the matter of ends and means, to the problems of choice in practical activity rather than the analysis of behavior as a given. His function, in this sense, is to be a source of directives for society in general. Second, he should use his critical powers, experience, and general knowledge—his "wisdom"—in commenting upon contemporary political experience: analyzing broad trends in political development, criticizing the activities of statesmen, trying to penetrate the inner meaning, as it were, of contemporary political life.

2. The moderates felt that the chief task of the contemporary political philosopher was to provide a constant flow of theoretical ideas and concepts to those more interested in empirical work; ideas and concepts, however, which have no claim to "wisdom" other than their utility and testability in "scientific" analysis. They felt that it was perhaps not entirely necessary for every practitioner in the field to possess both a highly-developed theoretical imagination and a rigorous command of empirical research methods. Instead, there might well be some sort of rational division of labor. At any rate, the moderates could not see why certain political scientists should not devote their efforts chiefly to speculation, provided that they were sufficiently aware of the problems and difficulties arising in empirical analysis to make their ideas useful to the behaviorists.

3. Interestingly enough, the behaviorists, more than anyone else, insisted on the system-building and meta-theoretical functions of the contemporary political philosopher. It is not difficult to see why they should insist on system-building. After all, if the immediate task of political science is to transform itself into a unified discipline, we need someone to perform the unifying function: someone to construct the authoritative model of the political process and program for research which would govern our future activities, to coin the interrelated concepts, to chart the map, and to base the system on the relevant work already done in detail. This would be the unique function of the political philosophers. They would be sources not of moral directives but of scientific directives. Here,

of course, the behaviorists and anti-behaviorists might join hands—as usual, the extremists turn out to be not so entirely different from one another—for the wise philosopher of the anti-behaviorists would be peculiarly fitted to play the unifying role in the field. But perhaps this is not entirely fair, since the behaviorists would vehemently insist that even the wisest of conceptual schemes is merely a program for research and can have no claim to validity in and of itself.

Even more important, the behaviorists insisted that the political philosophers should play a more constructive role as “critics” of the work of the political scientists, i.e., that they should increasingly assume the position which modern philosophy in general is assuming toward the substantive fields. There should be less expounding of the ancients and more keeping the moderns up to the mark. The contemporary political philosopher should be constantly engaged in the critical analysis of the political scientist’s concepts, the methods he uses, the models which seem to govern his work, and the consistency of his findings and reasonings. He should constantly clarify the basic assumptions of the behaviorist’s work and its “larger” implications. This is the service in which he can most help the work of political science and find a justifiable niche for himself in our academic departments. He should, in short, be a methodologically and linguistically sophisticated critic, in constant process of refining the products of empirical activity.

#### CONCLUSION

At the end of the conference, many of us felt that a real problem confronting us was revealed by our discussions. *How and why had the political “philosophers” and the political “scientists” managed to drift so far apart in their work when most of them were so eager to concede that they had much to learn from one another?* It would be tedious and not very useful to go into all the possible explanations. The important thing is not to hold post mortems—which might after all only widen the breach—but to begin making some attempts to bring the two closer together. Some of us believed that the most promising step at present would be to attempt some sort of collaborative analysis of the area in which political science and philosophy touch most closely on one another, i.e., the field of politically significant “ideologies.” However this may be, it is hoped that this report will stimulate further thought in tackling this problem of collaborative work between “philosopher” and “scientist.”



# REVISION OF THE NOMINATION AND ELECTION PROCEDURE OF THE ASSOCIATION

## A SYMPOSIUM

At the Council meeting in Boulder in September, 1955, Professor Norman J. Padelford, Chairman of the Nominating Committee in 1954-55, presented a proposal for revising the provisions of the Constitution governing the election of officers of the Association. The Nominating Committee was itself divided on the question of the recommendations and the Council, after voting down the proposals, referred them to the Executive Committee for further study.

The Executive Committee decided to ask Professor Padelford to write a brief statement setting forth the proposals and the arguments for them to be published in the *Review*. At the same time it decided to ask one member of the 1954-55 Committee, who had been opposed to the proposals, to set forth the arguments against them; Mr. Howard R. Penniman was asked to do this. The Executive Committee decided to send these statements to several people from different sections of the country for comment and to print the Padelford and Penniman statements along with the comments in the *Review*. Not all those asked to comment did so; five replies, however, were received and are printed here along with the two main papers.

It is the hope of the Executive Committee that the printing of this material will stimulate thinking and discussion on the problem and that many members will take the time to write the Executive Committee expressing their views and any alternative proposals they may have. Letters should be addressed to Mr. Evron M. Kirkpatrick, Executive Director, The American Political Science Association, 1726 Massachusetts Avenue, N. W., Washington 6, D. C.

## THE CASE FOR REVISION

NORMAN J. PADELFORD

*Chairman of Nominating Committee, 1954-55*

### I

One of the most vital aspects of any democratic organization should be the procedure by which its elective officers are chosen. For many years the elective officers of The American Political Science Association have been nominated by a select committee appointed by the President and elected by ballot at the Annual Business Meeting of the Association. An eminent succession of officers has been brought to the leadership of the Association by this process. And on the whole there has been little complaint about the persons elected to office.

Complaints have been forthcoming, however, that the present procedures are undemocratic and that there is growing apathy among a substantial por-

tion of the membership regarding the annual elections. Specifically, objections have been voiced that (1) the present constitutional provisions afford members little opportunity for exercising a choice in the election of officers, and (2) elections are determined by the unrepresentative character of the Annual Business Meetings, where attendance is often relatively small.

## II

As the Constitution stands, opportunity is afforded to every member of the Association to vote for the elective officers by attending the Annual Business Meeting. There are no qualifications or bars to voting other than being a member in good standing and not even union labels have to be shown to attend and vote. On occasion, members have turned out in large numbers for the elections when they have believed a serious issue was at stake. And they have overridden the slate presented by the Nominating Committee. But this has been highly exceptional. Furthermore, the Constitution (Article V, paragraph 2) does provide a "safety valve" in permitting additional names or a substitute slate to be brought in to the Annual Meeting, provided notice is given to the Secretary 24 hours in advance and a petition is signed by 10 members. Normally, however, the Nominating Committees' slates are voted through without challenge or the presentation of additional names giving the members opportunity to exercise any real choice.

It can hardly be gainsaid that attendance at the Annual Meetings is determined to a considerable degree by factors of location, time, academic or other conflicting duties, costs of travel, and other elements over which many members have little or no control. Many of our members, especially those teachers who are dependent upon their own salaries for travel and hotel expenses, are unable to attend each year. They are thereby denied the opportunity of registering a vote either for or against the slates presented.

Attendance at the Annual Business Meetings in the past few years has been in the neighborhood of 100-150. This is a small fraction of an association now numbering over 5,000 members. It matters little whether this ratio of attendance to total membership is larger or smaller than that of other comparable learned societies. And it is not questioned that those in attendance have elected a competent, distinguished line of officers. The point is that a large percentage of our membership is not in fact able to participate in the choice of our elective officers year after year. Under the circumstances it is more or less inevitable that a "who cares?" attitude has grown up among many and that elections are regarded as being "cut and dried," determined by a handful who are prejudiced in favor of a coterie of big-name institutions, chiefly east of the Missouri and north of the bluegrass country.

More democracy may not be a universal cure-all for shortcomings in democratic processes. But in a society of political scientists whose members are accustomed to professing the virtues of democracy and of supporting the universal—even the absentee—ballot, surely some means must be conceivable by which a considerably larger percentage of the membership of this Association

may be enabled to participate in the annual election of officers. Wider and more regular participation in this respect could lead not only to removal of existent criticisms but also to an enlivened sense of responsibility for and interest in the larger aspects of Association activities. Moreover, such increased participation in elections would compensate for the accidental factors that so often govern attendance at the Annual Business Meetings.

### III

Concern has been expressed lest an extension of the voting privilege would result in the election of ill-balanced groups of officers. There should be no insuperable problem in this regard, however, if the Nominating Committees discharge their responsibility properly. Long and dedicated work is required if the Nominating Committees are to weigh adequately all of the factors that should be taken into account in selecting suitable groups of nominees from the field of all possible candidates. The elective offices of the Association have always been regarded as honorary positions to be filled upon a basis of recognition of the scholarly and public accomplishments and contributions of members. It is vital that this aspect of nominations and elections be preserved if the larger on-going interests of the Association are to be advanced. At the same time, the elective officer groups should be broadly and fairly representative of the different fields of political science, of the various regions of the country and of the various types of institutions in which political scientists are located. Finally, it is essential to the wellbeing of the Association that the elective officers each year should possess such a combination of knowledge, experience, and personal qualities that they may be able to work together effectively *as a team* in furthering the work of the organization in the year that lies immediately ahead. Such a balance can be achieved only if the election stage is preceded by adequate deliberation on the part of competent Nominating Committees. It cannot be gained or preserved by reducing nominations or elections to the huckstering of political campaigning. For this reason it is desirable that the present methods of selecting slates of nominees be retained. Given adequate effort by the Nominating Committees, there is little reason to fear that elections will not turn out satisfactorily if changes are made to permit polling a larger share of the membership.

It has been customary in recent years to invite members of the Association, by means of a published notice in the December issue of the *Review*, to submit names of suggested nominees to the Nominating Committees. This has been genuinely useful to the Committees. Last year some 130 members situated in more than 80 institutions sent in suggestions. As a result 47 names were placed before the Committee for the position of President-elect. Eighty-three persons were suggested for the vice presidency; 104 for membership on the Council, and several each for the offices of Secretary and Treasurer. The very size of such a list reveals something of the range of personnel from which the Nominating Committees make their selections, as well as some indication of the magnitude of the work done by these Committees.

The Nominating Committees of the past two years have been satisfied that the existent constitutional provisions do provide a genuine opportunity for membership participation in the nomination stage and that members are taking advantage of this opportunity.

On the other hand, few departments of political science appear to discuss collectively possible nominees or send in names for the benefit of the Committee. If the departments would assume some more active measure of responsibility for discussing and forwarding nomination suggestions, this could be additionally helpful to the Nominating Committee.

#### IV

In contrast to the opportunities for membership participation in the nomination process, there is relatively little provision for exercising a choice in the final election of officers. And members who for any reason are unable to attend the Annual Business Meeting are denied both a vote and an opportunity to register any choice in the election. Little use has been made of the "safety valve" clause in Article V, paragraph 2 permitting additional nominations to be offered from the floor. Taken in conjunction with the timing of the annual election and the inability of most members to take part in it, the normal absence of any element of choice on the balloting contributes to lethargy concerning the election of Association officers.

It may be argued that allowing a choice on the ballot will introduce lobbying activity into the election of officers or result in denying representation to some area or field. These are conceivable risks. Statements have been made, on the other hand, by members of other professional associations having as large and as widely dispersed a membership as ours that they have been able to devise election methods giving each member a vote and a choice regardless of attendance at the Annual Business Meeting without introducing undesirable political maneuvering or the election of poorly balanced groups of officers.

In the interests of democratic procedure and of stimulating more lively concern with the business of the Association on the part of a larger circle of the total membership, it is time that two steps were taken toward liberalizing and democratizing the election procedure.

Suggestion No. 1 is to amend Article V, paragraph 2 of the Constitution to permit the Nominating Committee to name one person each for President-elect and for Treasurer, but *twice* as many nominees for the offices of Vice President, Council member, and Secretary as are to be elected each year.

Some consideration was given to this idea at the time of the Constitution revision in 1953. It was then felt that this would unduly complicate the work of the Nominating Committee, that it was unnecessary, and that it might result both in electioneering and in possibly obtaining groups of officers not representative of the society as a whole.

Having served on the Nominating Committee during the past two years, and as chairman this last year, it is my personal opinion that a suitably constituted, conscientious Nominating Committee, representing within itself a

cross-section of the membership, can prepare a slate of nominees allowing the element of choice suggested above and still insure a proper balance among the elected officers. The number of competent persons recommended to the Committee last year amply testifies that there is no lack of personnel from which to make selections allowing such a choice on the ballot and yet representing all fields and regions. Maintenance of the desired balance can be easily handled by setting up categories within which choices may be made.

It has been argued that some persons would not wish to have their names appear on the ballot if there were a chance they might be defeated. This is possible. It is also true that persons defeated might be disappointed. This is hardly unique. This is a small price to pay for the general advantages that might be gained. Moreover, experience might well show that most active members would be willing to stand for election if asked to do so.

As Chairman of the Nominating Committee in 1955, I consulted with officers or active members of 12 other professional associations on their nomination and election procedures. These included such comparable groups as the American Economic Association, American Historical Association, Industrial Relations Research Association, American Statistical Association, Mathematical Association, Modern Language Association, American Chemical Society, etc. In 10 instances the multiple-choice nomination is used for officers other than the President-elect. No instance was mentioned of an organization having been adversely affected by giving the membership a choice in electing officers below that of the President. It was reported that electioneering had occurred in the American Economic Association when their Constitution provided for submission of two names for the presidency. But this is said to have disappeared to any undesirable degree since single nominations for that office have been employed. The same is said to be the case in the Industrial Relations Research Association. Most of the other Associations consulted, some with a smaller membership, others with many times that of ours, such as the American Chemical Society with a membership of 60,000, find the multiple choice for officers below that of President and for Council members altogether satisfactory and desirable. Many of these associations have a comparable multiplicity of fields represented in their memberships.

Suggestion No. 2 is to amend Article V, Paragraph 1 of the Constitution to provide for the annual election of all elective officers by means of a printed *mail ballot* to be sent to all members not later than May 15 of each year together with a post-paid return envelope.

Eleven of the twelve societies consulted employ the mail ballot, believing this to be more democratic and effective than election at the Annual Business Meetings. To conduct a postal ballot by May 15 will require that the Nomination Committee complete its work by May 1. This should present no difficulty. Moreover, a deadline should be fixed for returning the ballots, since a ballot conducted over the summer would obviously produce poor results.

If the experience of other associations is at all meaningful, it is conceivable that at least 40-50 per cent of the members of the Association would participate

in the elections. Is such an enlarged participation to be dismissed as being of no consequence? If so, this is in effect saying that one does not care whether the majority of members of the Association are or are not able to take part in electing the officers of the organization. Why should the Political Science Association expect its members to journey to a remote city, at a good deal of expense to themselves or their institutions, to cast a vote for elective officers when in public affairs it is always expected that local polling facilities and a mail ballot for those who are absent and unable to cast their ballot in their own community will be provided? It would make as much sense to require all political scientists to journey to Washington every four years to cast their ballots for the President of the United States as to have to go to Washington, Chicago, New York, or Boulder to vote for the President and officers of the American Political Science Association each year. The former would be considered an outrageous requirement, even if members had business to transact in the Capital while there! Has the time not come for this Association to demonstrate that the principles of equality of opportunity and democratic choice can be applied here?

Experience in other professional societies suggests that the combination of a representative Nominating Committee, a single nomination for the President-elect and Treasurer, but dual nominations for other officers, taken together with the postal ballot, will produce a dignified election of competent members of the organization who have concerned themselves with its affairs over the years, and at the same time give every member the satisfaction, and the responsibility, of casting a vote and exercising some element of choice in so doing. This should produce no more accidents or undesirable practices than the present undemocratic method of choosing our officers.

Some other steps might be considered along with the postal ballot, such as including a place for suggesting names for the following year, and possibly sending bills for annual dues with the ballots. This is done by the American Economic Association thereby saving costs in mailing and at the same time reminding members that privileges and responsibilities go hand in hand. Members of the AEA say that there has been no substantial criticism of this procedure. On the contrary, it has been said that this has promoted regularity of payment.

## V

There are problems and questions connected with such changes in the procedures of the Association. Some of these were faced by the Constitutional Revision Committee in 1953; others were not. In any event, they are worth examining anew in the light of experience in this and other associations.

When the previous Constitution was submitted to the Association in 1943, the Chairman of the Revision Committee, Robert E. Cushman, remarked that "an association which includes constitutional law among its fields of study should possess a model constitution which might well be imitated by other learned and professional societies." The present Constitution unquestionably

is a model in many respects. But so far as democracy in elections is concerned, we are trailing among our peers.

No system is likely to insure 100 per cent participation in the election of officers. But it is conceivable that with care possible dangers that may seem to lurk in some of the changes suggested above can be avoided and that the present method of selecting our officers may be improved upon in such a manner that the Association will enlist a more substantial proportion of its membership in this phase of its activity. And with this it is not unreasonable to suppose, may come broader participation in the intellectual pursuits of the Association.

### THE CASE AGAINST REVISION

HOWARD R. PENNINGTON

*Member of Nominating Committee, 1955*

Much attention is given in Mr. Padelford's memorandum to the question of the degree of democracy existing in the American Political Science Association under existing nomination and election arrangements. I am doubtful of the relevance of that question in an organization of the character of the Association, and even more sceptical of any assertion that there is some necessary relationship between the belief of members of the Association in democracy for the state and what they ought to desire in the way of election procedures in their own Association.

The Political Science Association is a single-purpose organization established to advance the research and teaching of political scientists of the United States. The membership of the Association is to a very large extent homogeneous and is in agreement about the nature and purpose of the Association. In other words, the area of consensus within the Association covers almost all problems which come within the area of action by the Association. The above facts are of importance when considering nomination and election procedures.

Different groups and areas are represented in the Association but they are not conflicting groups and areas nor do they have conflicting or differing interests. Represented in the Association are geographic areas, various divisions of emphasis such as constitutional law, political theory, local government, etc., and large and small, private and public institutions. These differences do not represent a conflict of interest so far as the Association's program is concerned. Each area, field of interest, and type of institution needs to be represented on any governing body because each brings to the governing body information and knowledge which should be brought to bear upon a discussion of policy within the Association—policy aimed at the accomplishment of the single purpose of the Association as stated in paragraph one.

The purpose and character of the Political Science Association are unlike the purposes and character of the state. The state is concerned with many functions: it is concerned with social, economic, political problems within the state itself, and it is concerned with international affairs. On these matters, citizens

hold widely different opinions. There are conflicting interests which must be taken into account. The state, certainly any large state, is composed of a heterogeneous people of differing and frequently conflicting interests. In a democratic state, we believe that it is essential to allow expression of opinion concerning the conflicting interests and that it is desirable to allow the establishment of political parties to bring about a coalition of interests in order that programs may be presented to the people for decision by majority vote at elections. The area of consensus within the democratic state may be broad or limited. All that is *required* is that there be agreement that the processes of democracy be approved by the vast majority of the people so that they are willing to have decisions determined by a majority vote of the people. If the area of consensus includes an agreement on an economic system, on social legislation, and on international relations, so much the better. So wide an area of consensus is not, however, likely or required in a state.

Note then the differences between the single-purpose professional organization like the Political Science Association and the state in composition of the membership, in the area of consensus, and in the number of conflicting interests existing within the organization. Note also that in the democratic state it is essential that we have parties and divisions in order that we may debate issues of conflict and decide those issues. By contrast, in the single-purpose organization such as the Association, to have divisions or parties is to create an artificial division based either on personalities or upon issues that have been created where issues previously did not exist.

The Association needs the knowledge of various disciplines, areas, and types of schools, but no one suggests that a conflict among these should be created or stirred up merely to satisfy a general belief in democracy applicable in another kind of situation. Indeed, it is argued by all that any system of selection of officers should assure the representation of all segments of the profession. The present system does assure that representation.

Unless one slate is placed against another slate by the Nominating Committee, with each of the slates nicely balanced to assure representation of area, subject matter, and type of school, there seems no obvious way to assure the representation of all segments of the profession on the Council. Any arrangement which provides for voting on individual candidates either by area or on a national basis makes it literally impossible to assure representation by all groups and at the same time provide a serious choice for members of the Association. Suppose we wish to assure representation of teachers of the various courses, of an area, of large and small institutions, private and public institutions, and of the bureaucracy. Do we tell the people of the Washington, Virginia, and Maryland area that no teaching institutions shall be represented from this area, or do we say that the bureaucracy will not be represented? Or must we, in California, pair a small college, basic course teacher against another small college, basic course teacher, thereby eliminating all others from possible consideration for the Council from this area? Or if the Nominating Committee decides that the best candidate is a political theorist from a large institution, then must the



Committee find another political theorist from another large institution from the same area? If one is not available, must the logical choice then be dropped or should a constitutional law man be placed in nomination against the political theory man? If the latter is the case, what, aside from luck, is to prevent the selection of a Council made up of constitutional law men or research professors in behavioral politics or a political theory group?

If it is argued that all candidates should be selected on a national rather than a regional basis, how is there any assurance that there will not be over- or under-representation of any given area, teaching division, or type of institution?

Curiously, it is argued that the presidency ought to be excluded from the proposed new system of voting. We apparently should have democracy but not in the selection of the highest office available to Association members. The president is not to be selected in competition because it is feared that a contest will create political campaigning for an office which is intended to do honor to a man for his contribution to the profession. To propose two candidates would, it is argued, invite organized campaigns for one or the other of the candidates, thus removing the sense of honor and of award in the selection of the final choice. But why is this not true for the other offices which are also offered in recognition of achievement and which should therefore be equally free from organized campaign efforts?

If I am to judge from my two years' experience on the Nominating Committee of the Association, the Political Science Association has within it a few who would gladly organize to elect a person or persons on something other than a spontaneous basis and possibly even for reasons other than the recognition of his scholarship or his contribution to research and teaching in the profession. In both years that I was a member of the committee, at least one campaign was obviously carried on for at least one candidate. Letters were mimeographed, and apparently sent to hundreds of members of the profession asking that Mr. X be suggested to the Committee.

One supporter of Mr. X. carelessly included the mimeographed letter with his own letter when writing to the Chairman of the Nominating Committee. At least one letter supporting Mr. X came from a man who had more or less ostentatiously resigned from the Association several years before. Other letters supporting the candidacy of Mr. X came from equally unlikely sources. The Committee was perhaps swayed by this effort but probably to resist rather than to support Mr. X. Supposing, however, that there had been a contest or mail ballot, Mr. X might well have won by a sizable margin. The kind of screening process which now shows up such maneuvering would still remain at the level of nominations, but maneuvering would be invited at the level of election by the presentation of opposition candidates. It is certainly true that an organized group would have greater effect on a nation-wide mail balloting than on a committee or business meeting where campaigning soon becomes obvious. It is difficult to see the value of opening the association for electioneering of this sort when there is so little evidence of a widespread desire for a change in the present

arrangements which were developed by serious leaders of the profession after serious consideration 13 years ago.

The argument for "change" asks for democracy and at the same time argues against politics. Democracy without politics is difficult to conceive. Yet we are invited to support an amendment which it is argued would provide just that.

A word or two should be said about the concern expressed over the small attendance at the business meetings and about the infrequency of use of the so-called "safety valve" clause in the Constitution. Business meetings, it is said, are attended by not more than 100 to 150 persons out of a membership of perhaps 6,000. It is implied that the remaining 5,900 are deprived of their vote because of the difficulty of attending Annual Meetings. The facts in the matter are somewhat different. Meetings in New York are attended by about 1,800 to 2,000 people, in Washington by 1,500 to 1,800, and in Chicago by 1,000. Conventions in the Far West are attended by 600 to 700. Of this fairly sizable number of members of the Association who attend the conventions, only 100 to 150 feel that is necessary to attend the Business Meeting. The remainder of the group apparently feels that the Association is running about as they desire and therefore that it is unnecessary for them to spend an hour and a half discussing policy for the Association. Members *at the convention* are certainly not prevented from attending business meetings because of excessive travel cost or any of the other reasons that are alleged to be important in the failure of members to attend the Business Meeting. These members are already present but do not feel that the Association's affairs will suffer from their absence from the Business Meeting.

It is suggested that because the "safety valve" clause has been used infrequently, members of the Association have not been protected against capricious action by appointed committees. The conclusion does not follow. The failure of members to act under the clause may mean that the members of the Association find it unnecessary to use a device which is available to them in case the Nominating Committee commits gross errors in its selection of proposed officers. The device is simple enough, so that at any time members may avail themselves of it successfully. What seems to be involved, therefore, is a lack of desire to use this device, probably because of a willingness to accept as sound the nominations of the designated committee.

Both on theoretical and on practical grounds, there seems to be no reason for a change in the existing procedures for either nominations or elections. If real issues arise, members may avail themselves of existing arrangements to nominate candidates other than those proposed by the Nominating Committee. Certainly more than 150 members can attend the Annual Business Meetings if they wish to upset or modify the slate proposed. Until real issues arise there is little reason to create artificial divisions or to encourage conflict within the Association by changing nomination and election procedures that appear to be satisfactory to the bulk of the Association members.

I have attempted to deal with the basic argument of Mr. Padelford's proposal

with only a brief note on one or two of the lesser arguments. If I had addressed myself to all the individual points he advances, I would have questioned other assumptions and other statements of facts for which there seems to be little or no evidence. For example, on the basis of my conversations with members of other associations which follow other nomination and election procedures, I doubt his implicit assumption that the other procedures really are more democratic, result in better candidates, or fully satisfy members. I would have questioned the view that a mail ballot is more democratic or would be likely to produce better results and a more satisfied membership. I would have questioned whether there is any empirical evidence that, as Padelford says, "elections are regarded as being 'cut and dried,' determined by a handful who are prejudiced in favor of a coterie of big name institutions, chiefly east of the Missouri and north of the bluegrass country." If any significant number think this is so, an examination of lists of officers and Council members in the last dozen years would provide evidence that it is not; if anything, the West and South are overrepresented in relation to the proportion of total membership from those areas. Finally, I would have questioned Mr. Padelford's reasoning in asking for a change in existing arrangements after he himself states that "an eminent succession of officers has been brought to the leadership of the Association by this [the present] process. And on the whole there has been little complaint about the persons elected to office. . . . those in attendance [at the Annual Meeting] have elected a competent, distinguished line of officers."

## COMMENT BY AVERY LEBERSON

*Vanderbilt University*

1. Mr. Padelford's memorandum states positively and without qualification: "The Nominating Committees of the past two years have been satisfied that the existent Constitutional provisions do provide a genuine opportunity for membership participation in the nomination stage and that members are taking advantage of this opportunity." I interpret this finding of fact on the part of an uncoerced and independent political scientist to mean that *the Association is presently securing the essence of democratic consultation and participation where it counts*, namely, in the responsible nomination and selection of qualified candidates for its elective offices. The document also says concerning the election process as a whole: "An eminent succession of officers has been brought to the leadership of the Association by this process. And on the whole there has been little complaint about the persons elected to office."

2. In view of this degree of fundamental agreement with respect to the crucial matters of fact, it would appear to be unnecessary to elaborate speculative arguments as to whether the Association should be or would be made "more democratic" if (a) the Nominating Committee were to name two candidates for each elective office other than the President-elect and Treasurer, and (b) a mail ballot were substituted for the Annual Business Meeting as the final step in electing officers. What I have to say further is provoked by this example of the contemporary propensity to tinker with the Constitution in a burst of

misplaced moral energy in the name of democracy that ought to be discharged on issues that are vastly more pressing.

3. Proposal (a) is trivial, and there would be little objection to it if the author had not chosen to support it with no less than four express or implied propositions which are highly debatable in theory and extremely doubtful as premises for action: (1) increased participation in formal elections is desirable as an end in itself; (2) increased participation is desirable as long as we don't have "politics" and "electioneering"; (3) increased participation in formal elections implies "an enlivened sense of responsibility for and interest in the larger aspects of Association activities"; (4) the proposal should be supported by political scientists because they belong to a society whose members are accustomed to professing the virtues of democracy.

4. A reasonable case is made for Proposal (b), substituting a mail ballot for the Annual Business Meeting electing officers (which incidentally would require amending Article VII as well as Article V), as a purely technical device to increase membership participation in the formal voting for officers. A mail ballot would probably have this effect, but more is involved here than securing a 50 or 60 per cent participation in the annual elections. The purpose of our Association is "to encourage the study of Political Science." In my 20 years' membership I have gradually become convinced that by and large the 150 members who take the trouble to come to the Annual Business Meeting are more interested in promoting the study of politics and government than the 5,000 who stay away, including the 700-800 who attend the Convention but don't come to the Business Meeting. I am a member and officer of one of the Associations Mr. Padelford cites as an example of greater democracy than ours, and I can assure him that there is no more effective membership control of policy and officers under a mail ballot than under our convention system.

5. In summary, Mr. Padelford fails to demonstrate that a mail ballot would promote the paramount purpose of the Association, and he does not consider the possibility that a mail ballot might have the effect of further centralizing control over the affairs of the Association and reducing the widespread informal participation in the nominating process that now exists.

#### COMMENT BY NORTON LONG

*Michigan State University*

It seems to me that Dr. Padelford's paper and that of Dr. Penniman raise issues of fact and principle that cannot be resolved without further inquiry. Dr. Padelford asserts that our present procedures have proven satisfactory in producing officers of high quality and adequate representativeness. The controlling reason for changing our procedures is their alleged undemocratic character. This character is claimed to result in apathy on the part of the membership and loss of the sense of effective participation in the government of the Association. Dr. Penniman does not challenge this assertion of fact or consequence but claims that the remedy would be worse than the disease yielding all the evils of the direct primary and pressure politics. He does not rebut Dr. Padelford's evidence

from the experience of comparable associations nor does his assertion of the administrative infeasibility of a responsibly-developed slate of multiple nominations seem persuasive:

Dr. Padelford's proposal appears to neglect the need for some means of supplementing committee nominations by action of the membership at large. Some provision for the right of revolution against even a multiple slate would seem desirable.

Dr. Penniman's fears of politics and pressures betray an unwillingness to face the facts of associational life that exist to an observable degree with us as with the A.M.A. and the Bar Association. The need for a Nominating Committee that will provide a well considered slate is as necessary with us as in the political arena. The need for effective means to reflect important membership sentiment that conflicts with what, from one point of view, seems an unselfish aristocracy and from another a self-perpetuating oligarchy is equally clear. Finally, the need to provide all significant segments of the Association with a responsible sense of participation in its government must be met if morale is to be maintained.

There seems evidence to sustain Dr. Padelford's view that significant dissatisfaction exists. Whether his proposals will remove this ought to be explored. Dr. Penniman's fears seem either groundless or the price of some greater degree of democracy. An association of adult political scientists ought to be able to resist the dangers of anarchical pressure politics. It ought also to be sufficiently cognizant of its own teachings to realize that responsible oligarchy tempered by the contingent right of revolution is perhaps the most that we can hope for and that this is no small achievement.

#### COMMENT BY F. W. CCKER

*Yale University*

I have doubts about the usefulness of Professor Padelford's first, and main, suggestion—that the Constitution be amended to permit the Nominating Committee to name one person each for President-elect and Treasurer, and twice as many nominees for the other offices. I agree that our present large membership, with the inevitably small attendance at our annual business meetings, makes our present electoral procedure "undemocratic"—or seems to make it so. And I agree that our "safety-valve" device accomplishes little or nothing in the way of changing the effects of the normal operation of our system of nomination and election.

We all agree, I believe, that a Nominating Committee should select nominees widely representative of fields, regions, types of institutional association, and types of professional achievement; and I think we agree that we should try to have presidents who are likely to show that sort of wisdom in appointing Nominating Committees—which is one of a president's most important duties. I think I agree with Howard Penniman that, if the proposed change is needed, it is needed as much in the choice of President as in the choice of other officers.

I believe that all must realize that we have so many members qualified for our elective offices that none of us can expect that all such members can hold

office or care particularly about that distinction. None of us believes that holding an office in the Association is the only or the chief mark of distinction in our profession. So, obviously, there is no particular significance in the fact that some members happen not to have held any office in the Association. Yet it seems to me a little unfair to publicize annually, among our members, the names of members who are "defeated" in an election. I agree with Penniman in his view of the inadequacy of the comparison of our elections with political elections—in which nominees are voted for, or against, fully as much on the basis of policies advocated as on the basis of a candidate's personal qualifications.

I am not certain about these unfavorable conclusions on Padelford's "Suggestion No. 1." The fact that majorities of members in associations in affiliated fields (e.g., economics) have apparently found the proposed method of some use, after considerable experience with it, may well be a good argument in favor of Padelford's proposal.

In any case, I believe that a Nominating Committee should do everything reasonably possible to encourage members to send in proposed names to the Committee; and I believe that the Committee, before making its final decision on its nominations, should discuss its tentative nominations with the Executive Council. And I agree with Padelford's recommendation that the departments of political science might well assume more active responsibility in discussing possible nominees and in sending in names to the committee on nomination.

COMMENT BY CHARLES AIKIN

*University of California, Berkeley*

*Member of Nominating Committees of 1947, 1955-1956*

A number of Nominating Committees have considered the plan, or a reasonable facsimile of the plan, proposed by Professor Padelford. The Committee on Constitutional Structure of 1948, as well as the Committee on Constitutional Revision of 1953, studied proposals for multiple nominations. The basic idea back of such plans has been rejected by these Committees, or has not been received favorably by the Council. Professor Penniman's response to such proposals is persuasive. The opinion is widespread that, for an organization such as ours, there is no adequate substitute for the careful consideration that can be given to nominations by a representative Committee.

The adoption of a plan for multiple nomination of officers—including the office of President-elect or not—would lighten the work of Nominating Committees. Members of these Committees work with painstaking care in an effort to represent the Association as faithfully as possible; and their most difficult decision is the last one in which, after a series of eliminations, the candidate for each position is named. Multiple nominations would eliminate this onerous phase of the task by leaving it to a "free-for-all" at the Annual Meeting or through a mail ballot. A planned lottery at this point, while being undemocratic, would be less troublesome and less expensive, and undoubtedly would create a great deal of interest—if that is what is wanted.

The Association may decide to be democratic to the degree of presenting to the membership two or more slates of nominees. If that were done, the Nominating Committee, presumably, would emphasize divisions within our electorate; otherwise the plan of submitting multiple slates would have little utility. In such a case it would be anomalous to have both "party" slates selected by a single committee. And if any such system were followed, the danger of disrupting the fine work of the Association would become real.

Despite the strength of Professor Penniman's argument, there is a weakness in our present system. Committees on nomination are appointed, not elected, and their actions are almost always decisive. Thus, individual members of the Association have only the right to advise (exercised with some reluctance) and the power to reject (almost never exercised). The Association might well provide for the *election* of a committee on nominations rather than for its *appointment*. Members of such a committee would be elected from regions with as many candidates put forward as political scientists in each area cared to nominate and the election would be by mail ballot, administered by the national office of the Association. This committee—having faced the same exacting responsibilities Nominating Committees of the past have faced—would put its candidates for offices in nomination, following the procedure adhered to at the present time. This procedure would enable members of the Association to participate in the process of selecting their officers without having to take the drastic step of challenging a carefully prepared slate at the national convention.

This change might not "be imitated by other learned and professional societies." But yet, through such a change the strength of the present system of nominations could be retained and "a more substantial proportion of its membership" could be enlisted in the selection of officers.

#### COMMENT BY HARVEY C. MANSFIELD

*The Ohio State University*

It does not become one who holds, for a few more weeks, the least onerous of the Association's elective offices, to argue too enthusiastically in favor of the status quo. Professor Padelford's two modest proposals, confined to the offices for which he urges them, and applied with a modicum of ingenuity, can no doubt be made to work satisfactorily, without upsetting the harmonious conduct of the Association's affairs. I would rather see them adopted than have any substantial proportion of the membership cherish a grievance chargeable to the present system.

Nevertheless, the changes look to form rather than substance, and appeals on their behalf in the name of democracy miss the mark, I think, on two counts. Wider participation in the elections would not make the system more democratic in fact, and if it did make it so in appearance, the membership would not be the gainers. We need to distinguish means from ends. The essence of the present system is the business of nominations. It is now measurably democratic. The Committee derives its authority from a Constitution freely agreed to and its members hold their places by the appointment of an elected President.

The Committee proceeds on principles of merit and geographic and professional distribution known to and desired by all, and there is ample opportunity for any member to bring any candidate to its attention. No one is excluded from consideration on any undemocratic criterion. The Committee is an efficient instrument to serve a common purpose at a minimum cost to the general membership.

To multiply, by a mail ballot, the number of those who overtly share in the ratification of the Committee's recommendations—when most members who now attend the Annual Meetings do not think it worth the bother of attending the Business Meeting in order to do so—will not add to the effectively democratic character of the process. On the other hand, to the extent that the practical choice is transferred, by the offering of multiple nominations, from the Committee to the mail ballot, the likelihood that the original goal will be as satisfactorily met, and the agreed principles be as fully applied, is diminished rather than increased. A general ballot by mail is sometimes a convenient means for securing consent to a specific proposal. It is not a handy way of deciding on the best application of a set of general principles to the complex choices involved in constructing a slate of officers.



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## BOOK REVIEWS

*Representative Government in Southeast Asia.* BY RUPERT EMERSON, WITH SUPPLEMENTARY CHAPTERS BY WILLARD H. ELSBREE AND VIRGINIA THOMPSON. (Cambridge: Harvard University Press. 1955. Pp. vii, 197. \$3.50.)

*The Formation of Federal Indonesia, 1945-1949.* BY A. ARTHUR SCHILLER. (The Hague, Bandung: W. Van Hoeve, Ltd. 1955. Pp. viii, 472.)

Professor Emerson's book is the first scholarly and comprehensive approach to problems of representative government in postwar Southeast Asia. As such it will be of benefit to students of comparative government as well as to those having a particular interest in the political development of the countries of this area. Not only will it prove of value to specialists in these fields; it is also admirably suited to students enrolled in courses on Asian government and politics who have had little or no previous background. (This reviewer has made it required reading in an introductory survey course on Asian governments and politics.) In addition to the competent and sometimes excellent descriptions and analyses of postwar developments in the particular countries of Southeast Asia, the book contains a lucid distillation of Professor Emerson's long study of some of their most basic common problems. (Those who have read his classic, *Malaysia*, will find that his observations on postwar developments in Malaya and Indonesia give additional poignancy to several of the important conclusions reached in this earlier work.) Separate chapters are devoted to Indonesia, Burma, Malaya (all by Professor Emerson), the Philippines (by Willard H. Elsbree), and Rural and Urban Self-Government (by Virginia Thompson). Those on Malaya, Indonesia, and the Philippines are particularly well done. Thailand and Indo-China are dealt with briefly by Professor Emerson in his Conclusion and also covered to some extent by Virginia Thompson in her chapter. The book's major emphasis is upon the postwar period, the discussion of events being carried up to the end of 1954.

Willard Elsbree's brief but stimulating chapter on the Philippines contains a realistic assessment of the potential of representative government there. He gives particular attention to the socio-economic environment conditioning the growth of political institutions, a setting which he notes is far from ideally suited to their development along democratic lines. Meriting special mention is his able discussion of the presidency.

Virginia Thompson, confronting a subject concerning which there is a great paucity of material, has generally done well with what is available but has been able to sketch the picture only partially. (Professor Schiller's book helps supplement this insofar as Indonesia is concerned.) In her treatment of Indonesia it would have been useful had she given more attention to the impact of the Japanese occupation upon local government. Certainly in Java, where the Japanese introduced their *tonari gumi* system, this impact was considerable and has in substantial areas left a significant residue.

The book's most important contributions are to be found in Professor Emerson's two essays, the Introduction and the Conclusion. He begins by observing that all those countries of Southeast Asia which have had an opportunity to shape their destinies freely have adopted constitutions modeled primarily on well-established Western patterns, rather than attempting to derive inspiration from earlier periods of their own culture. The leaders who are guiding the governments of these countries are almost exclusively from their new Westernized elites. The political experience and thinking of these men has been powerfully—thus far decisively—influenced by Western models, and in the course of drafting their constitutions they have been preponderantly influenced by the political systems operating in the colonial powers from which they have so recently severed themselves. Thus all of these countries have taken on at least the formal trappings of Western representative government, and in three of them, Burma, Indonesia, and the Philippines (with the possibility that Malaya may soon join their ranks), their leaders are conscientiously trying to make these institutions function in at least rough conformity with Western democratic norms. In these three countries there has been an abrupt transition from colonial (and pre-colonial) autocracy to a profound commitment to representative government. Yet representative democracy is a fragile plant which is not easily transplanted. Its even rare flowering in the West has been relatively recent and presumably possible only because of combinations of particularly fortunate circumstances. Moreover, in the West the transition from authoritarian to democratic rule was a slow and gradual process, and the gradual enfranchisement of segments of the population in general kept pace with the development of a new economic and social life and with the spread of mass-based education and literacy. On the other hand, "In Southeast Asia the modern world has come with a rush and there has been no time for the kind of slow adaptation to new circumstances which is generally characteristic of the West."

Having made these general observations, Professor Emerson proceeds to analyze in more specific terms some of the obstacles which confront any continuing development of the Southeast Asian countries in the direction of representative government. First of all, there is the tradition of opposition to government which inevitably developed in the countries under colonial rule, a tradition which was reinforced during the brief but harsh period of Japanese occupation. It is obvious that this tradition militates against the growth of responsible opposition parties, and there is no doubt that the roads of Indonesia and Burma towards representative democracy have been made steeper because of this obstacle. Secondly, the authoritarian tradition in all of these countries is still generally widespread and engrained, a formidable obstacle to the development of the political individualism and egalitarianism which have been so essential to the foundations of democracy in the West. Nor is there as yet in these countries the widespread sense of broad popular participation in government and the feeling that government should be responsive to the popular will which has come to characterize democracies in the West.

Whereas there is widespread agreement that in the West an important condi-

tion for democratic government has been the existence of a strong middle class enjoying a degree of economic strength and autonomy vis-à-vis the government, in most of Southeast Asia—in Burma, Indonesia, and Thailand in particular—there is virtually no such middle class. Insofar as such an element does exist, it is composed primarily of bureaucrats who are, of course, dependent upon the government. Commerce and large-scale production have been carried on in Southeast Asia almost exclusively by outsiders, either Chinese, Indian, or European. In general throughout the area the prospects for development of the sort of capitalism necessary for the growth of a substantial independent middle class are meager. This is particularly true in Burma and Indonesia, where there exists a strong tendency for many of the nationalist leaders to equate colonialism and capitalism, the only capitalism they have known having been that of either their alien colonial masters, or of Indians or Chinese whom the colonial authorities encouraged to immigrate. On the basis of the experience of the last two decades in the Philippines and Thailand, it appears justified to conclude that “if representative institutions are to have any real significance for Southeast Asia, there must be a decided broadening of the political base at least in the form of a larger indigenous middle class, which is both politically aware and politically active. Without the appearance of such a middle class, which has played so large a role elsewhere, or the coming to political maturity of wide segments of the populace, it is difficult to see how a democratic system can be expected to stand up against the pressures which are very much in evidence.”

The efforts of Southeast Asian leaders to promote economic growth are also likely to have an important effect upon the course of political development in their countries. “A highly plausible case can be made for the contention that the most direct road to economic development for underdeveloped areas leads by way of an authoritarian rather than a democratic system . . . the more insistent the demands for economic advance, the greater may be the willingness to yield to authoritarianism’s claim to produce speedy results.” It can be argued that Western efforts to increase the economic and social well-being of Southeast Asian countries may keep them from drifting into the orbits of Moscow or Peking, but there is no assurance that such support will appreciably influence whether or not they will be attracted to democratic forms of government.

While thus analyzing these and other salient conditions for and limitations on the growth of representative government in Southeast Asia, Professor Emerson does not, explicitly at least, try to predict the course which their political development will take. Rather, he makes a number of suggestions as to the kinds of studies political scientists should make before they can begin to approach such questions with any degree of self-confidence. It is possible to infer from his analyses the expectation that these Southeast Asian countries will develop governmental systems suited to their own particular conditions which will lie somewhere in the realm between the West’s definition of what is democratic and what is autocratic. But one must also observe the emphasis which he gives to his conviction that in view of the tremendous impediments they have

confronted several of them have progressed a rather substantial distance towards their democratic goals.

Professor Schiller's *The Formation of Federal Indonesia, 1945-1949* is a book written for the specialist and will be far beyond those who do not already possess some knowledge of postwar Indonesia or at least a basic understanding of federalism. For those who do have such foundations this is a valuable book. It is based upon solid and painstaking research that explores with great thoroughness what has heretofore been a major void in the history of postwar Indonesia. Though Professor Schiller spent considerable time in Dutch-controlled Indonesia in 1949 making on-the-spot observations, his book represents primarily the results of a careful analysis of a great body of documentary materials. These documents were produced in very limited quantity and without his efforts would by now undoubtedly have largely disappeared.

At the outset Professor Schiller frankly disclaims concern with any political design that may have underlain the creation of the federal order which he describes or with the motivations which activated its architects. Since the architects were numerous and their motivations diverse, and since this part of the story is in general immeasurably complicated and abstruse, this may well have been a wise choice.

This book, then, is an account of the formation of a federal state in Indonesia from 1945 through 1949, placed in the context of the most relevant antecedent and subsequent developments. Thus, in his first two chapters Professor Schiller discusses the prewar evolution of ideas concerning Indonesian federalism among officials of the Dutch East Indies government, ideas which were never put into practice, as well as the organization of the government before and after the war. The heart of his study is contained in two long chapters: "Local Government" (Ch. 3) and "The Distribution of Powers of Government" (Ch. 4). The fifth chapter deals with the administration of justice, an emphasis which he selected primarily because he believed it afforded "a typical example of the scope and tempo of alteration in administration in the new state." In the Epilogue there is a brief account of the dissolution of the short-lived federal structure, a dissolution which began almost immediately after its establishment under the name of the United States of Indonesia on December 27, 1949 and which had already run its course by August, 1950, when this federal order gave place to the present unitary Republic.

Professor Schiller observes that at the time of his study in the spring of 1949, "the new structure was still in the planning stage. A host of enactments were being promulgated, but for the most part they were not immediately being put into effect." His study, he states, is frankly one of the federal structure "as it appeared in the books." Thus, as he observes in his introduction, his emphasis is on the promulgated rules, his study being basically "a description of the organization and structure of the various units of government" and "a consideration of the distribution of the powers and tasks of government among political entities that were to make up the federal state."

However, the full significance of this book is not merely that of a description

and analysis of an interesting, though transitory, experiment in federalism and of an important, though brief, period in Indonesian history. For the general problem of political decentralization remains in Indonesia today as one of the most pressing and challenging problems confronting its government. True, Indonesian leaders, convinced as they are that the Dutch effort to create a federal order was merely a refined and skillful effort at divide and rule, are unlikely to espouse a truly federal solution, or at least to call it that. They are, however, acutely mindful of the necessity of fashioning a political system wherein realistic account is taken of the substantial existing regional cultural variations and of distances as great as from New York to Seattle. Thus both the general problem discussed by Professor Schiller and his analysis of the various aspects of the pattern of federalism constructed by the Dutch are of relevance today. As he correctly notes, there is evidence that at the present time "many of the values of the federal form are being introduced into the existing unitary state." And even though the fact is not widely advertised, it is, as he suggests, true that in parts of Indonesia (notably in the eastern islands) the Jakarta government continues to maintain some of the substructure of the federal system established by the Dutch. It is logical to expect that, as the Indonesian government proceeds further in the direction of political decentralization, it will explore more thoroughly these residual parts of the Dutch-created federal structure from whose recent history it may derive guidance in constructing a more effectively decentralized unitary state. Those undertaking such an exploration will find Professor Schiller's scholarly book the fullest and soundest existing description and analysis of the only federal order that Indonesia has known, and from it they should be able to derive helpful insights.

GEORGE MCT. KAHIN.

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*The Fifteen Weeks (February 21-June 5, 1947).* BY JOSEPH M. JONES. (New York: The Viking Press. 1955. Pp. viii, 296. \$3.75.)

*The Marshall Plan and Its Meaning.* BY HARRY BAYARD PRICE, JR. PUBLISHED UNDER THE AUSPICES OF THE GOVERNMENTAL AFFAIRS INSTITUTE, WASHINGTON, D.C. (Ithaca, N. Y.: Cornell University Press. 1955. Pp. xvi, 424. \$5.00.)

On February 9, 1946 Stalin made a major speech to the voters of the Stalin Electoral District in Moscow. His purpose, as no doubt even his immediate audience realized, was not to sway Muscovite fence-sitters. Rather, it was to clarify the nature of Soviet relations with the capitalist world in the postwar period and to define the major internal tasks of the Soviet Union. The return to normalcy, he made clear, would be a return to what we have come to call the cold war. The prospects for peace were not bright; the Second World War had been not a "casual occurrence," but the inevitable result of the clashing forces generated by modern monopoly capitalism; in the future, as in the past, general crises and armed conflicts would be inescapable. It followed, therefore, that the Soviet Union must resume the policies of collectivization and indus-

trialization which had made possible victory in the war and which alone could guarantee it "against all possible accidents" in the years ahead.

Against the background of events, the speech had an ominous ring, and as Soviet pressures mounted in the succeeding months, it became increasingly clear that Stalin would do what he safely could to nudge history along its "inevitable" course. By the winter of 1946-47 the outlook, world-wide, was very dark. In the Department of State the atmosphere was thick with foreboding: dispatches from Europe spoke of Communist advances in France and Italy and of widespread economic distress; from the Near East, of growing Communist pressures on Greece and Turkey; from the Far East, of the deterioration of the Kuomintang's position; from Moscow itself, of Soviet expansionist designs. Everywhere so much needed to be done and so little seemed possible!

No one then foresaw the radical transformation of American policy which was to occur within six months, and now, nine years later, the pace and scope of the change still seem breath-taking. The change was not the result of quiet deliberation and careful calculation. It just happened in response to crises which seemed to leave no alternative and which aroused in the country and its leaders a mood mixed of courage, anger, disappointment, determination, and generous impulses. By mid-1947 the United States had grown into a mature acceptance of its responsibilities. *The Fifteen Weeks (February 21-June 5, 1947)* by Joseph M. Jones is a lively account of how our voice in world affairs suddenly changed.

Mr. Jones set himself a limited but difficult task and he should now be enjoying a sense of accomplishment. He wished to recapture the events and especially "the atmosphere and drama" of this exceptional period and to communicate something of the excitement he felt at "the spectacle of the government of the United States operating at its very finest, efficiently and effectively, and of the American people responding to leadership in a measure equally splendid." The book is, if the phrase will not be misunderstood, an artistic success. He has succeeded in evoking the electric quality of these weeks and his story is, as he wished it to be, fresh, invigorating, and inspiring. It is also accurate. Very little escaped his eye and his report is full and well-balanced.

Although this reviewer is inclined to think that speech-writers (Mr. Jones was a speech-writer and a very good one) usually overemphasize words as compared with deeds, he does not find the present emphasis on speeches misleading. President Truman's Special Message to the Congress on March 12, stating the Truman Doctrine, and Secretary Marshall's Harvard address on June 5, inviting Europe to take the initiative in drafting a recovery program, were key events, signalling the transformation of American policy and leading to far-reaching actions. On these occasions, as too rarely in more recent years, words conformed to decisions and were an effective form of action. Mr. Acheson's initiative with respect to European recovery is properly recognized, although in this case, perhaps, the speech (to the Delta Council on May 8) was less important than the governmental wheels Mr. Acheson had previously set in motion. Mr. Jones does not attempt to describe the execution of the new policies and

does not evaluate their adequacy. He is concerned with the basic decisions and throws a warm, friendly, and intimate light on the process by which they were reached and announced. The book will be valuable as supplementary reading in courses on American foreign policy and will not greatly burden the student, for it can be read as quickly and easily as an adventure story, which, in a way, it is.

A little less than eighteen months after Stalin's declaration of cold war, the two halves of the American response had been defined. Shortly, as a result of Mr. Kennan's famous "X" articles in *Foreign Affairs*, the whole was to be dubbed the "containment policy." The first half was to resist, by force, if necessary, Soviet expansion. The second half was to assist friendly countries in recovering their health and strength. *The Marshall Plan and Its Meaning*, by Harry Bayard Price, Jr., deals with the carrying out of the European recovery program (ERP) and related assistance programs by the Economic Cooperation Administration (ECA) and its successor, the Mutual Security Agency. The book was written under the auspices of the Governmental Affairs Institute, which was invited by ECA to "prepare an independent, objective history and evaluation of the ECA and the Marshall Plan." The Institute persuaded Mr. Price to take the assignment, and submits the result as "representing the best judgment of this organization, as well as of its author." Although there is, of course, no way of judging, some of the weaknesses of the book may have their origin in this multiple interest and responsibility. The Institute might consider whether in the future full responsibility might better be left to the author.

The basic fault with the argument is that the ERP is not consistently seen as a part of the unified policy of containment. There is a recurrent note of complaint that, as the emphasis shifted from economic recovery to the development of military strength, ECA was distracted from its true purpose, that "economic objectives" were "obscured" and were not regarded as "coordinate" with "political objectives": that, in short, ECA was being misused. (In this the book probably reflects a point of view held by some within the agency, but lends the view support rather than criticizing it and possibly finding in this separatist tendency a weakness of the separate agency as an instrument of foreign policy.) A case could be made, perhaps, that we over-reacted to the shock of Korea, and that by trying to push the military build-up we actually slowed it down as compared with what might have been accomplished with a different balance between economic and military programs. The case is here only asserted, not really demonstrated. In any event, it is a mistake into which the book sometimes but not always slips to regard recovery as an end in itself; ERP, like the military assistance program, should be conceived as means to ends which were always political.

The focus of the book is also somewhat surprising and disappointing, especially in light of its title. ERP and ECA were not, of course, the same thing. The book concentrates on ECA and an evaluation of its operations rather than on the Marshall Plan and its meaning. The focus is significant. Frequently one feels that recovery is being examined for the light it throws on ECA. In discussing



the European Payments Union, for example, the role of ECA is stressed, not the role of OEEC. Such Europeans as M. Ansiaux of Belgium, Mr. Figgures of the United Kingdom, M. Marjolin, Secretary-General of the OEEC, and others who helped to conceive and create the EPU are not mentioned as important contributors, although space is found to name several Americans whose contributions were probably less important. In general, important developments in Europe in which ECA was not deeply involved receive short shrift. The Schuman Plan receives only a few superficial paragraphs; the German currency reform (1948) and the British devaluation (1949), events of great significance to European recovery, receive only a few sentences. (More space could have been given to these matters by eliminating the substantial sections on Asian assistance programs. Strictly speaking, these were not part of the Marshall Plan although administered by ECA. The decision to cover this ground requires a widening and crowding of an already wide and crowded canvas. Surely the subject is important enough to have justified more spacious treatment in a separate book.)

Although for this and other reasons the picture of the Marshall Plan does not emerge as sharply and clearly as one had hoped, criticism should not be permitted to obscure the value of this first effort to survey the Marshall Plan as a whole, to discern its effects, and to draw lessons for future programs. A great deal of material has been collected which might easily have been lost. A great many conclusions have been drawn about the conduct of the program which will stimulate discussion and should be helpful in the continuing task of building the foundations of security and prosperity in the free world. *The Marshall Plan and Its Meaning* helps to remind us how far we have gone in turning back the Soviet challenge and surely provides abundant evidence that the main lines of American policy have been wisely chosen. Not the least remarkable fact about this book and *The Fifteen Weeks* is that they were written by men who believe, on the whole, that Americans have reason to be proud of their accomplishments during a dangerous decade in a dangerous world.

ROBERT W. TUFTS.

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*Foreign Policy and Party Politics: Pearl Harbor to Korea.* BY H. BRADFORD WESTERFIELD. (New Haven: Yale University Press; London: Oxford University Press. 1955. Pp. x, 448. \$6.00.)

This study of the role of the American party system in the making of foreign policy is a work of mature scholarship. It is thoughtful, relevant, and methodologically adequate. It will be of considerable value to students of political parties as well as to students of American foreign policy and international relations. Still another aspect of the study commends it. It is explicitly directed towards the understanding of an important practical problem, and employs statistical, historical, institutional, and analytical methods in a nice combination in an effort to evaluate proposed solutions.

Westerfield sets as his problem an appraisal of the alternatives of "partisan-

ship" and "bipartisanship" as desirable and feasible roles for the American major parties in the making and conduct of foreign policy. By "partisanship" Westerfield means a situation in which each of the major parties would tend toward greater homogeneity in foreign policy attitudes than is now the case, and in which the parties would be divided on the basic issues of foreign policy. The substance of foreign policy would be a central issue in legislative debate and in political campaigns. He rejects this alternative first on the grounds that it is unrealistic, that it overlooks the fact that foreign policy cuts across present party lines, and that the situation would not be likely to be improved by any conceivable reconstitution of the major parties. He also rejects it on the grounds of its consequences for the effectiveness of foreign policy. He argues that there is a far greater need for a broad consensus, predictability, and continuity in foreign policy than in domestic policy, and that these can be achieved only through some measure of party collaboration.

He also rejects the alternative of full bipartisanship as he has defined it. This would imply full participation of the opposition party in the making of foreign policy, and the maintenance of party discipline on foreign policy questions. He argues that such full bipartisanship would come into conflict with the need for speed, secrecy, and professionalism in the making of foreign policy decisions, that it would require a degree of party discipline unattainable in the American system, and that it would dry up constructive and creative debate on foreign policy issues.

Having rejected the two extreme alternatives, Westerfield points out how the present situation, which he calls "extrapartisanship," fulfills more values in the net than would either partisanship or bipartisanship. There is a sufficient agreement between parties to guarantee continuity in the basic goals of foreign policy, and at the same time sufficient tension between the parties on foreign policy issues to maintain an active debate, and to affect electoral campaigns.

Westerfield proceeds to an analysis of the conditions necessary to maintain "extrapartisanship." One of the requirements to which he refers is the existence of a wide popular consensus on foreign policy. Another is the readiness of the executive to make concessions to cooperative members of the opposition. A third is a degree of self-restraint in the conduct of electoral campaigns, a willingness on both sides to avoid excesses in the "awarding of political credit and blame on foreign affairs," when in actuality there has been a substantial measure of collaboration in the making of foreign policy.

The greater part of Westerfield's book is taken up with an analysis of the actual impact of parties in the foreign policy-making process in the period from Pearl Harbor to Korea. This includes a careful statistical analysis of congressional roll calls on foreign affairs issues from 1943-50, a description and appraisal of party organizations in Congress for the control of foreign affairs, and an historical survey of party behavior on the major issues of foreign policy since the outbreak of World War II.

GABRIEL A. ALMOND.

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*China and the Cold War: A Study in International Politics.* By MICHAEL LINDSAY. (Carlton, Victoria: Melbourne University Press; London and New York: Cambridge University Press. Pp. xv, 283. \$3.75.)

With his *China and the Cold War*, Lord Lindsay changes from an ardent championship of the Chinese Communists to a savage indictment. The author's years of association with the Chinese Communists, his warm humanitarianism, profoundly democratic commitment, and uncompromising scholarship encourage us to accept his assurance that this new and unfavorable assessment reflects a change in the Chinese Communists, not in the author's standards of judgment (p. 1).

Lindsay dedicates his work "To friends in China" as being what he wants to say to help them understand how Peking's policies appear in foreign eyes (p. xiv) and how fantastic are the views which intelligent and educated Chinese entertain today about the outer world (p. 274). Nevertheless, it is not only to the Chinese Communists that this "tract for the times" is addressed. The author has undertaken to show both the Chinese Communists and their non-Communist adversaries abroad how the policies of each appear in the eyes of the other and how misguided are many of the beliefs cherished by each about the other.

As indicated by its subtitle, the volume has yet another dimension. Lindsay does more than seek to clarify issues in the relations of Communist China to the rest of the world; he also engages in the methodological experiment of applying to political inquiry the strictest standards of scientific reasoning. A similar approach is advocated for other problems in international relations. Moreover, in generalizing about the substantive conclusions of his study, Lindsay points the way towards a theory of international relations based upon "the assumption that a considerable proportion of political actions are irrational, though the causes can be understood and explained through rational scientific investigation" (p. 260). He goes on to urge re-examination of the assumptions upon which modern foreign policy is based lest with it man destroy himself in global war.

*China and the Cold War* begins with an analysis of Communist China's foreign policy in the light of the Peking government's professed objectives of peace and the national welfare. For the benefit of his Chinese audience (non-Communist opinion needs no such demonstration), Lindsay reviews the evidence that Peking is following policies incompatible with a genuine desire for international peace. He discusses Communist China's hate campaign against the United States and its allies, the Chinese Communists' uncritical acclaim of Soviet exploitation of East European peoples, and Communist subversion elsewhere as a movement of "national liberation"; their moral and then armed support of the North Korean aggression; the attempt at a forced repatriation of prisoners of war; and the allegations of bacteriological warfare. Discrepancies between practice and profession, it is submitted, do not fit the hypothesis that the Peking government both wants peace and is acting rationally in ways likely

to achieve peace, as the Chinese Communists claim. Nor is the explanation to be found in the hypothesis that the Chinese are acting rationally but are not sincere in their claim to be seeking peace, which most non-Communist opinion holds. The only hypothesis which satisfactorily accounts for the facts is that, though sincere in their professions of peace, the Chinese Communists suffer from an emotional and intellectual confusion which makes them incapable of acting rationally to attain this objective.

For the benefit of both Chinese and Western readers, Lindsay argues a persuasive case. He then advances the proposition that the Chinese Communists' conduct derives from the Communist theory of knowledge, their rejection of empiricism and the standards of normal scientific method in judging the true and the false, their faith in orthodox Marxism-Leninism with its doctrines of democratic dictatorship and centralism and of the infallibility of the party, and the hysterical effects of their continual struggle to reconcile the contradiction between theory and observable fact.

Another section of the work analyzes contemporary international relations and concludes that today "the completely doctrinaire Communist, convinced by his system of faith that he is justified in using any means to extend Communist power, presents the same sort of menace to peace as [did] the Nazi or Japanese militarist" (p. 100). Rejecting both the Marxian theory of war (held by the Chinese Communists) and the power politics theory of war (widely held among non-Communists) as incompatible with modern psychology (p. 133), Lindsay devotes a good deal of attention to an examination of the conditions of permanent peace in Eastern Asia and to outlining a peace program both for the Chinese Communists and for their Western enemies. The prescription includes some pretty bitter medicine. In part, the Communists will have to demonstrate by scientific (and therefore non-Communist) standards their readiness to co-operate for peace with non-Communists abroad, while the non-Communists will have to accept the Chinese Communist regime as a fixture in Asia for "the next decade at least" (p. 277).

Many an original observation lights the argument along the way, *e.g.*, those respecting Korean war crimes trials (p. 36), Chinese McCarthyism (p. 74), British troops under MacArthur's command (p. 175), and retaliation against the McCarran Act (p. 250). But would it not have been fairer to ascribe General Wedemeyer's reconstruction of Chinese history to simple ignorance of the subject rather than to deliberate falsification (p. 94)?

JAMES T. WATKINS IV.

*Stanford University.*

*The Theory of the Mixed Constitution in Antiquity: A Critical Analysis of Polybius' Political Ideas.* By KURT VON FRITZ. (New York: Columbia University Press. 1954. Pp. xiv, 490. \$7.50.)

The present volume is animated by the conviction that "no part of ancient political theory has had a greater influence on political theory and practice in

modern times than the theory of the mixed constitution," and that "it is in the form which it was given by Polybius that it has had its greatest influence on modern political theory and practice." Despite its importance, says the author, "no major attempt seems ever to have been made to show in detail how far Polybius' analysis of the historical phenomena on which his theory, according to his own testimony, is based, is correct or what its deficiencies are, if any" (pp. v, vii). To remedy this defect, the author has made it his central concern to make a full "comparison of Polybius' theory with the actual development and functioning of the Roman constitution" (p. viii). This central theme is supplemented by a most painstaking treatment of a number of preparatory and related topics. There are chapters on Polybius' life and political experience, on the circumstances of the composition of his work, the condition of the manuscripts, his methods of writing history, his political theories in their relation to those of Plato and Aristotle (in particular). Although Polybius remains the central figure of the work, the title as distinct from the subtitle, is entirely justified. It would be difficult to imagine a more comprehensive study, or one more carefully planned and executed. Professor von Fritz is a man of vast learning, and he moves among the intricacies of the Roman (or Spartan, or Cretan) constitution with the authority and analytical skill of Corwin on the American constitution.

Unfortunately, the results of this impressive scholarship are extremely negative. In his Introduction (p. vii), Professor von Fritz notes that "Mommsen in the second volume of his Roman history expressed the opinion that nothing could be more absurd than Polybius' attempt to explain the excellent political order of the Roman Republic as an even mixture of monarchy, oligarchy, and democracy." And in his Conclusions, he admits "that in a way Mommsen's judgment is not too harsh." All that is salvaged from the wreck is the following faint and barren praise: "What Polybius did see is that the greatness and power of Rome was an historical phenomenon of the first magnitude, that the greatness of Rome had something to do with its internal order, and that this internal order in its turn was in some relation to what earlier Greek theorists had had in mind when they spoke of the preferability of a mixed constitution or a mixed political order" (p. 345).

Paradoxically, it is the very thoroughness with which our author demolishes Polybius which leads one to suspect that there may be something more, or at least something different, in Polybius than has met the critical eye. Certainly it would be difficult to account for his influence upon such acute minds, and such astute politicians, as Cicero, Machiavelli, or Montesquieu, had he been carried away so completely "by the apparent intrinsic logic" of a theory that had "little relation to reality" (p. 345). Von Fritz writes in the powerful tradition of Mommsen, and he measures Polybius against the conception of political and historical reality of that school. But Cicero also knew Rome, and his Scipio, in his *Republic*, calls Polybius, with Panaetius, one of the two most politically knowledgeable Greeks of his time. And Cicero pays Polybius the high compliment of taking over, with minor changes, his theory of the mixed consti-

tution. A key to the solution of this puzzle may be found in a passage in Book VI.5 of the *Histories*, near the beginning of the principal exposition of his political theory, where Polybius remarks (p. 359) that "Perhaps the theory of the natural transition from one type of constitution to the other is more thoroughly explained in the works of Plato and of some other philosophers." (I quote from von Fritz's extensive translations from Polybius in his appendices.) The theory as set forth by Plato and others, he says, is "very complicated" and "lengthy." "Hence I shall try to expound in a somewhat more summary fashion just so much of it as belongs to pragmatic history and is not beyond the reach of common intelligence." Now the theory of the natural transition of constitutions is the basis of the cycle theory, and the cycle theory is the basis of the idea of the mixed constitution. It would then follow that the whole of Polybius' political theory is a deliberate oversimplification, for the purpose of reaching "the common intelligence." In the section immediately following the passage quoted, for example, Polybius explains the origin of justice and morality and, according to von Fritz, does so "*exclusively* from enlightened self-interest and the ability to reason by analogy about the future" (p. 54, author's italics). Parents teach their children gratitude so that the children will take care of them in old age, and children take care of their aged parents to set an example for their children. Von Fritz justly comments that "In such a bargain there is hardly more room for a feeling of personal gratitude than in the relation of a man to his life insurance." He is puzzled that Polybius' utilitarian conception of duty should have more in common with Epicureanism than with Stoicism, when Polybius' preference for the active life of the statesman is so completely irreconcilable with Epicureanism. Yet there is a simple explanation at hand: Polybius' account of morality in terms of its utility, as distinct from its nobility, is just what fits the "common intelligence," which, as Aristotle said, has no conception of the noble.

Polybius, I suggest, regarded himself primarily as an historian. As a political theorist he seems deliberately to have borrowed and simplified. To simplify what is in its nature complex means, of course, to distort it. And to distort by simplifying is to understate the truth rather than to overstate it. Understatement is the essence of irony. Since Plato is the one thinker Polybius mentions as the exponent of the full and correct theories he adopts, it seems at least possible that the gross simplicity of Polybius' doctrines is not without kinship to Platonic (or Socratic) irony. It seems to me that an alternative treatment of Polybius might explore the question of how Platonic irony could affect the writing of history, and give us a clue perhaps as to how Cicero, for example, might have read Polybius.

Polybius, says our author, coined the expression "pragmatic history" (p. 40), of which he held himself to be a leading exponent. What he meant by it is suggested, in part, by the following striking passage: "Plato has said that human affairs will be well attended when either kings become philosophers or philosophers become kings, but I would say that everything will be well with history when practical statesmen turn to writing history . . . [or] those who wish to become historians consider a practical political training a prerequisite

for their work" (Book XII.28, p. 41). Although Polybius does not endorse the famous Platonic thesis, but rather uses it as an analogue, we cannot help noticing that a conspicuous feature of the education of the philosopher-kings in the *Republic* is just that combination of theoretical and practical training that Polybius urges for the historian. How then does the pragmatic historian differ from the Platonic philosopher-king? "According to Polybius it is the task of the pragmatic historian to make history predictable and to enlighten future statesmen" (p. 351), says our author. This is certainly correct, and sounds, as well, like the program for modern scientific politics which traces its lineage to Machiavelli. According to von Fritz, this latter worthy did Polybius the honor of transcribing whole pages from the *Histories* into the *Discourses* without benefit of an acknowledgment. But whatever the resemblances, there is this difference: for Machiavelli, Fortune was a woman, who could be mastered if assaulted by a sufficiently vigorous male; for Polybius, as for all the ancients, she remained a chaste Artemis, whose power could never be brought under human control. To the ancients history, or political science, can bring within human foresight what is amenable to human intelligence, but beyond that human well-being must consist in such consolation as comes from contemplating even those causes which we realize must destroy us. Machiavelli revolted against Platonic political science, because the goal held out in the *Republic* depended for its attainment upon Fortune; for Plato, the coincidence of philosophy and political power, upon which man's salvation depends, cannot itself be brought about by human means. But Polybius, I suggest, like Cicero and like Plato himself in the *Laws*, attempted to find such an approximation to the goals of the *Republic* as fortune and circumstances permitted. The mixed constitution was only the best of possible approximations, although Cicero, as well as Polybius, took considerable liberties with what we would call facts in order to represent Rome as an example of such an approximation. The specific function of history, it would seem, is to teach what fortune and circumstances will permit, and to present these lessons in terms which will benefit non-philosophers as well as philosophers.

The theory of the mixed constitution in antiquity, which our author correctly traces to Plato's *Laws*, must, I think, be co-ordinated with the entire Platonic world-view. Machiavelli's rejection of the ancient conception of chance or fortune was tantamount to a rejection of this world-view. Machiavelli himself may or may not have grasped the full theoretical implications of this shift. But modern constitutionalism, certainly in the eighteenth century, accepting Newtonian cosmology and Newtonian mechanics, assumed that man could, through such devices as the separation of powers (which is a radically different conception from that of mixing monarchy, aristocracy, and democracy) construct a political order whose success would not require or depend upon human virtue. In this sense such an order would be independent of Fortune. "The problem of establishing a state," said Kant, expressing what is also the key thought of the *Federalist*, "is solvable even for a people of devils, if only they have intelligence." We might add that the intelligence they needed was not beyond the

reach of anyone with an elementary education, provided the elementary schools used the proper textbooks.

It seems to me that a future study of the theory of the mixed constitution in antiquity might take its bearings by this great gulf, which separates it from its modern counterpart. The present volume, I think, is definitive only in showing the inadequacy of the ancient doctrine by what are, essentially, modern standards.

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*Nationalization in France and Italy.* BY MARIO EINAUDI, MAURICE BYÉ, AND ERNESTO ROSSI. (Ithaca, N. Y.: Cornell University Press. 1955. Pp. x, 260. \$3.50.)

This latest addition to the remarkable studies on French and Italian postwar problems undertaken by Cornell University deals with one of the key problems of public policy in present-day Europe. The country reports on nationalization are provided by highly competent observers who have participated prominently in the debates on nationalization in their countries: Professor Byé of the Paris Law School, active in the liberal wing of the M.R.P., is also a member of the Economic Council who has made frequent and admirable contributions to its reports. Mr. Rossi, after having earlier participated in the work of one of the anti-fascist underground movements, has as a journalist and writer given to his fellow countrymen spirited comments on Italian industrial problems during the last decade.

Professor Einaudi's introductory comparative study on nationalization policies is excellent. With a profound understanding of the inextricable mixture of political, psychological, administrative, and economic motives present in all nationalization measures, he not only compares and contrasts experiences in the two "Latin" countries, but also makes particularly suggestive distinctions between methods of economic control on the Continent and in England and the United States. These are areas in which France and Italy offer striking parallels, which are amply documented throughout the volume. Among them are the overall distribution of ownership between the private and the public sector of the economy, the attitudes towards monopoly, competition, and technological change, the impact of family traditions, and the relationships between management and labor and business and the state. But as striking as these similarities are the contrasts existing among the British pattern of administering the nationalized sector through public corporations, the restless search for a solution in France ever since the revolutionary mysticism of liberation days has worn thin, and the resigned unwillingness to adapt the set-up of fascist nationalizations to a drastically changed situation in post-war Italy.

Professor Byé gives a balanced picture of the transformations in the administration of French public enterprises since the enactment of the nationalization measures of 1945-46. Particularly valuable is the insight he provides into the long-term consequences of the Communist usurpation during the first period:



the original perversion of tripartite management has been superseded by a host of bureaucratic control devices diluting responsibility and harmful to the ideal of businesslike management. In mere economic terms, however, the results of most nationalized enterprises are shown to have steadily improved. (It is true that the author does not discuss the reasons for the persistent deficit of the railroads, constantly put into the foreground by the enemies of nationalization in France.)

What makes Mr. Rossi's study one of the most realistic pictures of contemporary Italian politics so far published in this country is his candid discussion of the relationship between the bureaucracy and business leaders. Their collusion is obviously the most important cause of an immobilism which so far has prevented any thorough reorganization of the economic participation of the state; a parliamentary report on needed reforms has disappeared (as have many others) in the files of the civil service.

It is no accident that the reform proposals with which the French and the Italian writers conclude their exposés have much in common: both recommend a modified version of the public corporation, administrative autonomy, and rejection of all statist solutions. The problem, not sufficiently discussed by either author and which would remain even after the legal enactment of such reforms, is that of finding the "autonomous" administrators. Today the battle against nationalization has abated in both countries because the organized business interests feel that the public sector is run in a way entirely satisfactory to them. They would be the first to resist true autonomy from politics and from bureaucratic control, both favorable to them. And since workers and consumers alike have long lost interest in the issue of nationalization, there is no force whatsoever behind proposals requiring important changes in the political mores and the mental habits of the French and Italian political and productive elites.

Professor Einaudi suggests that the solution might be found in the supra-national agencies that exist or have been planned for Western Europe. But while the powers of the European Coal and Steel Community are on paper undoubtedly as strong as he describes them, the real test of their efficacy has not yet been met. It might be true that national economic policies, including many nationalization policies, have become obsolescent. But at least in France and Italy obsolescent structures and practices have a capacity for stubborn survival.

HENRY W. EHRMANN.

*University of Colorado.*

*Congressional Politics in the Second World War.* BY ROLAND YOUNG. (New York: Columbia University Press. 1956. Pp. 281. \$4.50.)

This book tells the story of the performance of Congress during the second world war. And it tells it in a very lucid, readable, and objective manner. The author was a member of the staff of the Senate Committee on Foreign Relations in the early years of the war, and he was also a member of the APSA Committee

on Congress during the war years. He writes, therefore, out of first-hand knowledge and understanding of the legislative process in Congress. This is Roland Young's second book in this field, an admirable earlier work—*This Is Congress*—having appeared in 1943.

In nine excellent chapters the role of Congress in the making of many important legislative decisions during 1941–45 is examined and described. Separate chapters are devoted to the major areas of wartime policy-making and the functioning of Congress in deciding the important issues in each area is reviewed and appraised. The problem areas covered include conversion and control over manpower, money, and supplies; labor policy, price control, monetary policy, military policy and the conduct of the war, foreign policy and post-war commitments, and reconversion to peace.

Among typical issues discussed are the efforts to achieve "equality of sacrifice," to "take the profits out of war," and to "freeze economic relationships," as well as wartime elections, the New Deal, and bureaucracy.

Generalizations regarding the behavior of Congress in wartime are set forth in an Introduction and a final chapter of Conclusions. The author reports that, far from becoming an anachronism or a mere rubber stamp in providing funds and delegating powers, the role of Congress in wartime increased rather than diminished. He portrays it as an institution which considered simultaneously many facets of the war economy.

In some areas of policy "the President emerged as the over-all planner of political and economic action, and the role of Congress was that of altering, amending, objecting, and substituting. . . . There were other areas of policy where the interests of the President and of Congress were not in harmony and where each attempted to persuade the other to follow its leadership," for example, labor and farm policy.

Professor Young concludes that Congress performed three major functions during the war: it made both broad and specific grants of power to the President; it adjusted conflicts of interest; and it supervised the execution of policy. Many difficult decisions were made by the national legislature on organizing the resources of the nation and allocating men, money, and materials among competing claimants. Alternative choices and different standards of judgment gave rise to political competition both within Congress and between Congress and the President. Partisanship continued throughout the war with recurring elections and debates over such controversial issues as price control, consumer subsidies, war taxes, and reconversion. An ingenious series of charts in the Appendix of the book shows how the party battle ebbed and flowed on the various votes and the extent of party control over voting.

With the expansion of governmental activities, Congress extended the scope of its oversight and control of administration. Various control techniques were employed, including committee hearings and investigations, amendments of the laws, restrictions in supply bills, annual review of appropriations, time limits on legislation, and prior committee clearance of administrative action.

Young reports that Congress conducted more than 100 investigations during the second world war in response both to particular grievances and to partisan motivations, as well as to find facts.

The author evaluates the congressional committee system which continued to be used during the war for developing legislation and supervising the government. He finds that "the committee system as a whole showed considerable strength, demonstrating its greatest usefulness in preparing legislation" as well as a means of consultation with administrative agencies. He adds that the committee system also revealed weaknesses during the war period because of the large number of such groups, jurisdictional conflicts among them, and lack of coordination between them in such fields as fiscal policy.

Finally, the author speculates on the interesting question whether or not the war changed the relationships between Congress and the executive branch. Although no final answer is given, it is recalled that "in due time, Congress repealed the emergency grants of power, abolished the war agencies and administrative courts, disassembled the great military machine, and reestablished a free economy. From the legal point of view, Congress may be said to have 'regained' the delegated powers and reestablished the constitutional position it enjoyed before the war. It is less demonstrable, however, that an equilibrium of power was reestablished. . . ."

And the war left some "unresolved problems" for the future relating to the control of delegated powers, the allocation of resources, the determination of fiscal policy, and the making of foreign and military commitments.

All students of the American legislative process will be grateful to Roland Young for this excellent and valuable contribution to the growing literature on congressional politics.

GEORGE B. GALLOWAY.

*Library of Congress.*

*The Political Ideas of Harold J. Laski.* BY HERBERT A. DEANE. (New York: Columbia University Press. 1955. Pp. xii, 358. \$5.75.)

There are shrewd and sharp things in this astringent book on Harold Laski, which is an able doctoral dissertation and an earnest of things to come from the author. The essential thesis is that Laski began his career with brilliance as a student of historical church-state relations and a champion of the doctrine of political pluralism, but that he bogged down in Marxian dogmatism, became in the end a rhetorician and pamphleteer, and never fulfilled his promise. Despite its hostility, it is not one of those shallow and biased attacks on Laski which dogged him in his final years and continued even after his death. It is a scrupulously reasoned analysis which, while it leaves very little standing, is obviously the work of a rigorous scholar who makes exacting demands on his subject. Any new evaluation of Laski as a political theorist will have to reckon with Deane's work, retrace his ground, and justify conclusions different from his.

With Deane's book the worst that can be said against Laski in a responsible way has been said: that what might have developed into something valuable

and viable in his thinking was never followed up but was left fragmentary; that he never made intellectual ends meet; that he was too busy as a party propagandist and organizer and wrote too profusely and spread himself too thin, so that he never had a chance for the kind of questioning of his own first premises which every great thinker requires; that he never wrestled in agony with his own thought as Jacob wrestled with the angel; that the strain of theory to which he devoted the last quarter-century of his life was rhetorical, repetitive, contradictory, and empty of any real contribution either to the Marxist tradition or to any other phase of political theory.

This is an inclusive indictment. If there is any answer to it, it must come from those who are willing to take as great pains in detail as Deane has done. (The schema of his book, examining each of Laski's periods except the last, under the captions of "The Nature of the State and of Power," "The Problem of Obedience," "Liberty, Equality, and Natural Rights," "Politics and Economics," "Marxism and Leninism," is a clumsy one and constantly halts the flow of the analysis, but it enables the reader to read the book two ways—chronologically and topically.) Laski never fancied himself, at least during the years when I knew him, as an original political theorist. He saw himself as the spokesman for the Socialist Center and Socialist Left in Western Europe during the difficult years between the emergence of the Nazi threat and the beginning of the cold war. He was in the European tradition, where political activists have been academic scholars and scholars have been political men of action. He was largely indifferent to the rough edges and the unresolved contradictions in his work, because he saw the function of the scholar-politician as one of responding to the ceaseless flow of events, always seeking to help shape them by his thinking and writing, always shifting his thinking to the shift in the events themselves. His work as a scholar was for him only instrumental to his larger work as a teacher in the broadest sense. It was to this that he devoted his most generous energies, and it is here that one must seek whatever success and effectiveness his work had. Americans saw him only through his books, and they made the demands on the books that Mr. Deane makes. Englishmen saw him as a total personality, and men like Kingsley Martin and John Strachey have accordingly viewed him from a different perspective from that of Mr. Deane.

The first thing to remember about him, which Mr. Deane misses somewhat, is that he helped break the mold of the British gentleman-scholar. He may or may not have been a great scholar, but he was certainly no "gentleman." British intellectual life in the Victorian period had been a closed corporation, a club in which you didn't talk too loudly and where the bickering was carried on politely. The first breach was made by Sidney Webb, a London cockney who studied Government White Papers and turned them into Fabian blueprints; it was widened by the cockney H. G. Wells and an outrageous Irishman called Bernard Shaw. Laski's place in British intellectual history belongs in that sequence, rather than with Mill or Maine, Maitland, Bagehot, or Barker. He somehow managed to capture the magisterial rhythms and accents of the British intellectual tradition which reflected the habits of mind of a class accus-

tomed to command an empire, but he turned them to the uses of the new class of educated workers and trained civil servants who were seeking to transform the base of British politics.

Thus, while the kind of thing Deane does is an interesting exercise in analysis, and a very useful one, and makes absorbing reading because of his lucidity and his sense of justice, it is really rather far afield from the function that Laski cut out for himself and about which he was so deadly serious. The real question to ask is how Laski performed the job of taking the tradition of English and continental liberalism from Mill and Tocqueville, the tradition of anti-state corporatism from Figgis and Maitland, the tradition of American pragmatic individualism from William James and Justice Holmes, and the tradition of Marxism all the way from the Fabians to Lenin, and of putting this strange mixture together into a recipe which could nourish the hungry energies of the young British Labor intellectuals. I have put it this way as if Laski did it all at once, whereas actually he moved from one phase to another in a fascinating and still puzzling progression. Yet he was a little bit of a Socialist even at the very beginning and he remained a little bit of a pluralist-pragmatist and a good deal of the liberal even at the very end, despite his sometimes ghastly innocence about the Kremlin police-state. Thus his end lay in his beginning, and his beginnings survived in his end, and like all men he must be seen as a whole even while we see him as a mind in schematically periodized progress. And seeing him as a whole, the question is whether anyone performed any better than Laski, during that terrible period of the 1920's and 1930's, the task of guiding the democratic socialist movements of Western Europe through the perilous currents and shallows of history, and especially the task of bringing the British Labor party to a consciousness of its historic role.

Laski's anti-state pluralism gave him greater standing in American intellectual circles than in England, possibly because it found an echo in the American tradition of the weak state. But there remains, for all its brilliance, an air of unreality about his pluralism, as if he were practicing finger exercises. When he shifted his emphasis from a plea for governmental localism and regionalism in a society of groups where the state was only one among equals, to an effort to form a strategy of state power, he came closer to the immediate problems of our age. At first he tried to build a bridge between Mills' liberal-arianism and the social service ("positive") state; then he moved over into Fabianism and then finally into Marxism. Here, I fear, his flare for historical scholarship did him a disservice. What was needed was not a knowledge of the documents in the early history of the Marxist movement, but a capacity to look hard at Marxism as a whole in an unfooled way. Laski never did this. He was too deeply moved by the plight of the underdog, knew too little economic theory and cared too little about economic development, and never really threw himself into the kind of study of social theory which would have shown up the dogmatism of Marx and his followers. He was ready to be convinced, by his own life, by the circumstances of his time, and by the ideal image in which he had cast himself as a working-class leader. The result was heartbreak. Deane is quite right in point-

ing to one of his late books, *The American Democracy*, as a melancholy monument of what happens when you try to impose a dogma upon the living and changing material of a civilization in motion. What you get in the book is the frozen architecture of American society as it might have looked in the 1920's, but not as it was 20 years later.

Yet I wish Deane had been more generous in seeing Laski as a whole. He might have seen that half the civil servants of Great Britain today would be different men except for his influence. This applies even more strongly abroad. When I traveled through Asia at the very time when Deane's book appeared, there was scarcely a non-Communist intellectual, from Japan and Indonesia through Burma and India and Pakistan, who had not been touched by the fire of Laski's thought. One may say that they learned much from him that is not so, which is true of every teacher and every student. But the fact is that they got confidence from him, and came to feel eventually that they could think for themselves—which is what will count for the future. Deane is quite right in saying that we have not yet evolved an original political theory for our own era, which is not liberal or Marxist or Catholic. Certainly Laski didn't evolve it. But if the book suggests anything it suggests that Laski himself may have been expendable in a process which may yet produce, among some who responded to the fire of his thought, the kind of mind that is daring, critical, and architectonic at the same time.

MAX LERNER.

*Brandeis University.*

*Security Through Freedom: American Political Thought and Practice.* By ALPHEUS THOMAS MASON. (Ithaca: Cornell University Press. 1955. Pp. xi, 232. \$2.90.)

This is a very well-written little book—inspired, no doubt, by the obligation to deliver the Messenger lectures at Cornell, but prepared for publication with such praiseworthy care that no flavor of the impromptu survives. Whether it is also a "bold" book, calculated to "anger some and encourage others" (as the jacket summary advises), depends on one's point of view.

The first chapter, entitled "Political versus Judicial Control of Government," contrasts the disparate elements in our traditional heritage with remarkable acumen buttressed by a more judicious selection of materials for brief quotation than this reviewer has yet come across. No matter here that Mason puts Locke more confidently on the majoritarian side than seems consistent with all of Locke. Nor his, perhaps too rigid, juxtaposition of the views of Waite and Bradley on the exposure of property affected by a public interest to unlimited legislative control. On the whole, the treatment is sober and the argument sound: there is, at least, a significant sense in which inspired judicial construction of the due process clause constituted a "retrograde step in the rear of democracy"—to use the phrase borrowed by the author from Chancellor Kent.

In the two chapters which follow, however, the story of freedom becomes a little too frankly partisan to sustain the level of philosophical insight which the

first promised. To be sure, the author's subtitle for the book hardly commits him to avoid the clichés of party struggles as data for analysis. Nevertheless, it would be gratifying to hear some one discuss "Freedom and the New Deal" who had not obviously either voted for F.D.R. all four times or not at all! While, therefore, one must welcome the attention Mason gives to some revealing correspondence between the protagonists of the period, as well as to such previously little emphasized political interconnections as the translation of the Association for the Repeal of the 18th Amendment into the American Liberty League, only fellow partisans will be stimulated by the familiar campaign refrain in which Hoover is still the villain of the plot.

The author gets back on more solid ground in Chapter 4. This chapter (and it is very good) depicts "The Supreme Court in Search of a Role." Here the significance of the 1937 judicial retreat is subjected to keen and sympathetic analysis. Mason's admiration for Stone palpably helps him to maintain a judicious balance in his treatment of the "preferred freedoms" issue, and he is at his best in dealing with the Flag Salute cases. In fact, this issue is so fully documented that one hesitates to enter even the smallest criticism. I had been under the impression, for example, that Learned Hand was substantially right in disassociating Stone from the preferred freedoms doctrine as developed by Black, Douglas, and Rutledge. But there is nothing material to the issue which Mason seems to have omitted, and his estimate of the situation is, therefore, as definitive as we are likely to get.

"Welfare Capitalism: Opportunity and Delusion" is the title for the next to last chapter, and it very nearly maintains the high standard of its predecessor. According to Mason, Welfare Capitalism is the Trojan horse designed by the N.A.M. as a substitute for the Welfare State, and one must at least agree that he has documented a persuasive thesis beginning with a highly arresting statistic, namely a public relations budget stepped up from \$36,000 in 1934 to \$793,000 in 1937! To be sure, the author may be assuming a closer correspondence than actually exists when he links the concept of countervailing powers propounded by Galbraith with the organized campaign for Welfare Capitalism. But, after all, Brandeis' suspicion of Bigness has not been entirely outdated, and political scientists may still hearken to one of his disciples with considerable profit.

The inspiration for the final chapter, "Can Freedom Conquer Fear," is, as might have been expected, the current "security" problem. And (also as might have been expected) the terms of reference already adopted by the author handicap him badly in harmonizing the freedom which needs to be vindicated today with the "freedom" whose praises have been sung throughout the earlier part of the book. Indeed, at no point prior to the last few pages, does "Freedom" figure significantly as other than the faithful concomitant of majority rule—the product of the dynamic intervention of government to secure economic equality. Nor do constitutional limitations figure conspicuously at any previous point in the essay as other than obstacles to freedom, interposed by the economic elite.

This is not to suggest that Mason is ever indifferent to the variety of doctrinal influences going to make up the American tradition. This volume is, in fact, dedicated to the task of disclosing just this variety over the whole of our history, and the job has been executed with great discernment. What troubles the reviewer is the possibility that "politics" may afford too superficial a current for trustworthy analysis of the depths the author means to probe. Being confined to this level, he finds himself bracketing the principal authors of the Federalist papers with the 20th-century captains of industry as exponents of the same "conservatism." And, for want of a suitable nonpolitical category, the "new conservatives" are, in effect, classified as exponents of Welfare Capitalism. Similarly, property and freedom are dichotomized too rigidly for other than a survey of current politics. Is it safe to disregard the kind of property involved—the distinction between the core of property and its *laissez faire* outwork of contract, for instance—when undertaking a long-range appraisal of our constitutionalism? Property is power, indeed, but not every kind of property constitutes a challenge to free government, and some kinds of property are probably integral to free government.

These observations are not intended to detract in the least from the tribute already paid to Professor Mason's book. They raise questions to which the answers are not easily come by, and this reviewer doesn't pretend to have them. He can, in closing, however, admonish Professor Mason for one proofreading error by virtue of his superior geographical position: the twice-mentioned "Senator Dill from New Jersey" was elected from Washington.

K. C. COLE.

*University of Washington.*

*The Development of Academic Freedom in the United States.* BY RICHARD HOFSTADTER AND WALTER P. METZGER. (New York: Columbia University Press. 1955. Pp. xiii, 527. \$5.50.)

*Academic Freedom in Our Time.* BY ROBERT M. MACIVER. (New York: Columbia University Press. 1955. Pp. xiv, 329. \$4.00.)

These volumes taken together are the final report of the American Academic Freedom Project sponsored by Columbia University as part of the University's Bicentennial program of 1954, the central theme of which was "Man's Right to Knowledge and the Free Use Thereof." Professor R. M. MacIver served as director of the project under a distinguished Executive Committee of which Professor Lewis Hacker was secretary. Those who participated as members of the Executive Committee, in addition to the authors, included Professors R. F. Butts, Henry Commager, Walter Gellhorn, Arthur Macmahon, I. I. Rabi, and Lawrence Chamberlain of Columbia. To assist the Committee a panel of advisers was recruited including the presidents of Vassar, Hobart, Amherst, Bowdoin, Dartmouth, Yale, Rutgers, and the State University of New York, the Chancellor of the Jewish Theological Seminary of America, the directors of the Institute for Advanced Study, the Detroit Public Library, the New York



Public Library, the Pierpont Morgan Library, the ex-presidents of Yale and North Carolina, two trustees of Barnard College, and a dean emeritus of Columbia College. The entire project "is the outcome of the initiative and the generosity of Louis M. Rabinowitz," Council member of the School of General Studies at Columbia, who also served as a member of the Executive Committee.

Never before has there been so searching an inquiry into the history, theory, and practice of academic freedom. "The study," according to Professor MacIver, "was planned to consist of two parts, one a historical survey of the rise, development, and vicissitudes of academic freedom in this country, the other an analysis of the contemporary situation, and a study of the problems it presents, against a background designed to bring out the significance of academic freedom and its relation to the society in which we live." The two volumes under review are thus parts one and two of the study as planned. Taken together they constitute a monumental contribution to our intellectual history as well as to an understanding of the specific problem of academic freedom.

At no point have the authors forgotten that academic freedom is not simply a slogan or verbal gimmick concocted by professors to defend the irresponsibility of their own guild, but one important aspect of the general problem of freedom in society. It is appropriate, therefore, that Professor MacIver should begin his volume with a section on the "Climate of Opinion" and conclude it with a section on "The University and the Social Order." And it is also appropriate that the Hofstadter-Metzger volume should begin with an extended account of the European heritage and include, along with a fascinating history of American colleges, chapters on such topics as "Religion, Reason and Revolution," "Darwinism," "Academic Freedom and Big Business," and "Organization, Loyalty and War."

Both volumes lay particular stress on three basic ideas: (1) the integral relation of academic freedom to the prevailing social, economic, political, and ideological climate of the time; (2) the central importance of academic organization and government to the problem of academic freedom; and (3) the importance of inspired and courageous leadership within the college or university, to resist pressures for conformity not only from outside but also from within the academic community.

It is obvious that the nature and extent of academic freedom at any given time and place will depend in large measure upon the spirit and structure of the society of which the university is a part. "In the social structure of the Middle Ages," for example, "the universities were centers of power and prestige, protected and courted, even deferred to, by emperors and popes. . . . Such a theological center as the University of Paris stood at the heart of the spiritual life of the age. . . . If the universities were spiritual centers, they were scarcely less important as agencies of practical life. . . . They provided vocational training for the clerical functionaries of church and state, for notaries, secretaries, legates and lawyers." As both cause and effect of their impor-

7 tance to medieval society, "in internal matters the universities had the prerogative of self-government."

It would be false, however, to assume that power and prestige, together with the right of self-government, are in themselves guarantees of academic freedom. Indeed, the very importance which society attaches to the university may induce a solicitude for what is taught, for the manners and morals of faculty and students, that can stifle rather than sustain academic freedom. This was as true of the medieval universities as it was of colleges in colonial America. These early colleges no less than the medieval universities were important as training centers for both lay and clerical leadership. But "American collegiate education, like that of Europe, was the ward of religion," and sectarian religion at that—a sponsorship not noted for tolerance or respect for deviants and dissenters. Paradoxically, strict sectarian control with its overtones of censorship and enforced conformity was ultimately displaced, not by the decline of sectarian religion, but by the multiplication of rival sects. As James Madison later observed, "in a free government the security for civil rights must be the same as that for religious rights. It consists in one case in the multiplicity of interests, and in the other in the multiplicity of sects."

As the religious domination of extramural society declined, so did the religious control of higher education. An equally important transformation, although one that came later and has still to come in many places, was the shift in emphasis from indoctrination and the simple transmission of existing knowledge to the independent search for new knowledge. Academic freedom acquires an entirely new dimension when colleges and universities cease to be merely custodians of what is known or revealed and become centers for searching out new truths. During the period of this transition academic life is bound to be characterized by tension and conflict, and by elaborate rationalizations to reconcile the new with the old. Hofstadter and Metzger deal extensively and in detail with this process of rationalization and reconciliation from medieval to contemporary times. St. Thomas' ingenious effort to Christianize Aristotle, the more or less systematic campaign to reconcile Darwin with Genesis, and contemporary attempts to rationalize the welfare state with laissez-faire economic "laws" are but a few illustrations that come to mind.

Both of these volumes give extensive attention to the relation of academic government to academic freedom. The American pattern of college government which places final authority in a body of laymen rather than in the academic community itself has been a major source of difficulty. According to Hofstadter and Metzger, this plan of government "has hampered the development of organization, initiative and self-confidence among American college professors and it has contributed along with many other forces in American life to lowering their status in the community."

In spite of this sweeping indictment, academic government by laymen has not been and is not today an unmixed evil. The victory of a mixed board of laymen over the typical ecclesiastical body of the medieval university and the

early American college was undoubtedly a step forward. 'Paradoxical as it may seem,' writes Professor Hofstadter, "... the growing religious and intellectual liberalism of 18th century America was identified in the colleges not with corporate autonomy but with lay government. Not until the 19th century, when lay government had been long established, was this situation reversed." And, in my judgment, the case for lay control even today is a strong one. Notwithstanding Professor MacIver's staunch faith in faculty government as the surest guarantee of academic freedom, I harbor some slight skepticism. Professor Hofstadter cites many cases both in European and American colleges and universities where the pressure for conformity came from the academic community itself rather than from the outside. In any case, the emerging pattern of academic government in the United States looks toward a community in which power and responsibility are shared by students, faculty, administrative officers, alumni, and governing board. With some fairly clear recognition of differential functions and jurisdictional limits among the various groups, this pattern of "countervailing forces" in academic government promises as good a guarantee for academic freedom as any other.

Both these volumes have much to say about the composition of academic governing boards. No uniform pattern appears, although businessmen (including bankers), lawyers, and industrialists clearly predominate. This has been due in part to the unceasing dependence of higher education upon private philanthropy and public funds, and in part to the predominance of these groups in our business civilization. Big business, says Professor Metzger, "did not enter academe as intruders, they were welcomed into the realm and escorted to its high places by its very grateful inhabitants." Yet somehow the notion grew that the business patron was anti-intellectual and an enemy of academic freedom. There is, of course, a good deal in the record to support this notion and both of these volumes contain the usual catalogue of horrors. But Professor Metzger particularly does a service in correcting the caricature of the big businessman as the big bad wolf of academe. "The contrary notion notwithstanding, the large contributors to the universities were usually not of that philistine crowd that undervalued the wisdom in books. . . . For all their quirks and vulgarities, the tycoons of Fifth Avenue and Newport were closer to the patricians of Beacon Street than to the business gentry of Main Street." As for their devotion to academic freedom, the record is by no means altogether negative. Indeed, the businessman has probably proved to be more intelligent, tolerant, and understanding on this score than his clerical predecessor, and probably more so than his political successor is likely to be. At any rate, I am grateful to Professor Metzger for his description of Benjamin Duke and his business associates standing firm in defense of Professor John Bassett of Trinity College, North Carolina, while so-called "liberal" editors, clergymen, and educators, including Josephus Daniels of the *Raleigh News and Observer* cried out for his academic scalp. "Five of the seven voting against Bassett were ministers in the Methodist Church, one a United States Senator, and only one was a local

businessman. . . . On the Bassett side, four ministers were aligned with twelve bankers and industrialists."

The other side of the coin, however, is presented here in abundance. The celebrated "cases" of Richard Ely of Wisconsin, I. A. Hourwich, and Edward Bemis of Chicago, J. Allen Smith of Marietta, John R. Commons of Indiana, Edward A. Ross of Stanford, and many more are described. Some of these appear in Professor Metzger's study in a new light, and one in which the forces of good and evil are less sharply delineated. Professor Ely, for example, was tried and acquitted by his own board of regents for economic heresy on charges (brought not by a businessman but by a small-town teacher serving as State Superintendent of Education) that he had among other things favored the closed shop, counseled workers to strike, and entertained a walking delegate in his home. Subsequently Professor Ely wrote to say that were these charges true, they would "unquestionably unfit me to occupy a responsible position as an instructor of youth in a great university." What price freedom! And J. Allen Smith, having been fired from Marietta for supporting the monetary theories of William Jennings Bryan, was offered a job by the Populist President of the University of Missouri, who proposed to make room for Smith, the true believer, by firing a professor who believed in the gold standard. Smith, who saw the "moral equivalence between this and Marietta's action," declined. Nor does the record show faculties rising courageously to the defense of their proscribed brethren. Although there are some cases of this, they are exceptional.

Time and again it appears that the first, and often the last, line of defense for academic freedom lies in the office of the college or university president. When this crumbles through timidity, cowardice, or simple submission to "expedience," a major bulwark of free thought goes. And when, as not infrequently occurs, the president himself is the offender, academic freedom is indeed in jeopardy. For the president in the American system of academic government is the link between the faculty and the governing board, and between the corporate body of the college and the larger community of which it is part. If he understands and believes in the high purposes for which American colleges and universities exist, purposes which can only be realized in an atmosphere of freedom, and if he combines with this belief insight, initiative, and courage, he, more than any other individual or group, can be the guardian and champion of academic freedom.

No possible summary of these volumes can do justice to the very great contribution they make toward an understanding and hence to the defense of academic freedom in our society. The historical foundations are brilliantly set forth by Professors Hofstadter and Metzger, and the contemporary scene is described in detail by Professor MacIver. The climate of opinion, the atmosphere of fear and uncertainty, which has made possible repeated attacks on academic freedom, the difficult problem of communism on the campus, are examined by Professor MacIver with his usual forthrightness and wisdom. One can quarrel in detail with much that is proposed, with his staunch faith

in faculty government as the best guarantee of freedom, with his new bill of rights for professors which bristles with ambiguities, with his "conspectus" of principles to "guide us in dealing with communism on the campus." But these differences are minor ones in any case and weigh but slightly against the great sense of indebtedness one feels for this impressive and in some ways definitive study of one of the major problems of our time.

PETER H. ODEGARD.

*University of California (Berkeley).*

*Vernunftglaube und Religion in der Modernen Gesellschaft: Liberalismus, Marxismus und Demokratie.* BY EDUARD HEIMANN. (Hamburg: J. C. B. Mohr (Paul Siebeck) Tübingen. 1955. Pp. xiii, 315.)

Eduard Heimann, whose teaching and research have impressed the initiated in this country for the last two decades, has found a wider audience and readier recognition in his native land. In fact, the quick succession of his German post-war publications, partly restoring an interrupted distinguished academic and pedagogical career of pre-Hitler days, gives a fuller cohesive picture of his overall endeavors as an inspirational and systematic social thinker. His approach, indeed, may find a more immediate response in Europe's spiritual vacuum of the totalitarian aftermath than in the less disturbed setting of the new world. Yet as the increasing influence of some theologians on our shores indicates (among them Heimann's comrade-in-arms and one-time fellow religious socialist, Paul Tillich), his writings put into an appropriate American mould will have a rising effect and will arouse (though possibly not win over) an alert social science, grappling with fundamentals in the ideological battles of this era of "International Civil War."

The book under discussion must be seen as the last of a trilogy, starting with his earlier studies (previously published in the United States) on *Freedom and Order* and on *Wirtschaftssysteme und Gesellschaftssysteme*. His is a "theology of society," in contrast to the presently prevailing interest in a "sociology of religion." In this latest attempt, his original and not altogether unfamiliar themes are reiterated, stressed, and systematized. Stripped of their somewhat complicated connotations, they state simply that the alternatives usually presented to us between freedom and order, person and community, liberalism and Marxism, individualism and communism are not truly consequential choices but interrelated forces, deriving from the same intellectual assumptions, leading to their necessary stalemate, and fundamentally remaining on the same level. The conflict of these two irreconcilable brethren (one fed by the other's "perversion of freedom into privileges") can be solved only by a new solution which, raising the issue to a new level, at the same time brings it back to the forgotten and abandoned base of its origin in Christianity. One quickly recognizes a familiar dialectic in such a construction and may even see—in the turn to religion

as the suggested answer—a frequently proposed way out of the contemporary crisis.

What gives the study its special quality is the fact that it presents in the course of an astute analysis one of the most suggestive criticisms of the inner contradictions inherent in “the false circle” of a secularized society. The second part especially, dealing with the dramatic development of original Marxism and its logical self-destruction in the political theocracy of Bolshevism, deserves careful consideration. This story of great expectations and dismal disappointments, told in the main section of the book, reflects at the same time the intellectual biography of a sincere scholar and of his generation, which has lived through the enticements of a seemingly complete rational order and its debacle. That it must be difficult for such a group to find a more generous appraisal of the Enlightenment (as it may, however, shape up in the minds of oncoming scholars) is understandable. Heimann’s reaction may well be the natural response of a deeply disturbed intelligentsia, caught in a spiritual crisis of the first order, searching for a new security, and yet positive enough in reaching out for available constructive forces. It may well be a satisfactory answer only to a specific historic generation.

For this and other reasons, there may be many who will take exception to the unequivocal conclusion that the “rational autonomy” (in both its versions from the brotherly contemporary foes) has proved its inability to master the present-day crisis and that “the never assured chance” for a productive synthesis of personal freedom and social justice can only be fulfilled by the third force of Christianity merged with the institutions of industrial, social democracy. Yet even those critics will be rewarded by the rich presentation of material, the thoughtful conceptual analysis, and the religious earnestness of this most sensitive social scientist.

SIGMUND NEUMANN.

*Wesleyan University.*

*Die Auflösung der Weimarer Republik: Eine Studie zum Problem des Machtverfalls in der Demokratie.* BY KARL DIETRICH BRACHER. (Stuttgart and Düsseldorf, Germany: Ring-Verlag. 1955. Pp. xxiii, 754. D-Mark 27.80.)

Why is it that the story of the downfall of the Weimar Republic still holds such fascination? Is it because this was one case where that modern barbarism, totalitarianism, won in long drawn-out, “democratic” competition with the forces of democracy? Or because of the uncanny impression that here, but for the grace of God, go we all?

However this may be, traditional “one-factor” explanations no longer hold. It was not only, or even chiefly, a Germany leaning toward authoritarianism, or the Great Depression, or the impoverishment of the middle classes, or a Nazi-plutocratic, or Nazi-military, conspiracy which caused the event. Never has the intricate mixture of causes—“historic necessities,” seemingly overwhelming

trends, historical "accidents," and the "personal equation"—become as apparent as through Bracher's book. One has the impression of overpowering forces driving toward the inevitable, and yet, at certain junctures, the feeling that but for a coincidence, but for a slightly different action by one of the fabulously inept main actors, it "needn't have happened" as it did.

This is an important book. For the first time story and analysis are based on an exhaustive use of all sources now available in Germany. How far the author was handicapped by the fact that possibly relevant documents are still in foreign custody is hard to say. But material available in Germany, foreign and indigenous (including important, hitherto unknown sources, such as the papers of Count Westarp), has been used comprehensively, and one gains the impression that, whatever may still come (e.g., Bruening's memoirs, still denied us by that exceptionally taciturn man), the great outlines of the period have now been established.

The great merit of the work is in tying in the events of 1930-1933 with a searching analysis of German institutions as they existed in the twenties. Bracher's analyses of bureaucracy, the military, interest groups, *Buende*, and "movements" (each constituting a complete essay by itself) are rewarding for any student of comparative government. There follows the blow-by-blow story of events during the last, fateful years. As does all significant history-writing, this account proceeds from a definite point of view, that of the democratic Left, but since minute care is taken not to disregard any source from whatever quarter this does not prevent the presentation from being as "objective" as any written from any other "viewpoint." To one whose doubtful privilege it was to live through that period in Germany, reliving it here is a shattering experience. To Germans it may prove to be more. In the ten years they have been free to explore their past again, little attention has been given to the Weimar and Nazi eras, and what there is tends, in dangerous fashion, to be apologetic as far as Rightist forces are concerned, and debunking, if not frankly hostile, toward Weimar democracy; finding it not white but gray, they proclaim it black. This goes not only for the flood of postwar memoirs but also for serious historiography (as witness a recent biography of von Hindenburg, not to mention worse publications). But "repression" and delusion cannot go on forever. The appearance of this book may turn out to be the first step in a process of a nation's self-analysis and self-purification and thus a political event of prime import. In any event, it is a work in which German scholarship may take legitimate pride.

JOHN H. HERZ.

*The City College.*

*German Democracy at Work: A Selective Study.* BY JAMES K. FOLLOCK, HENRY L. BRETTON, FRANK GRACE, AND DANIEL S. MCHARGUE. (Ann Arbor, Mich.: The University of Michigan Press. 1955. Pp. viii, 208. \$4.50.)

Forecasts about the political future of Germany have taxed for generations the prophetic skill of many political scientists. In the Weimar years hopes ran

high, only to be followed by attitudes that ranged from a desire to ostracize Germany from the Western community of civilized nations and to reduce her to industrial impotence to the expectations that de-nazification and political re-education would bring the Germans back to the fold where they were once more desperately needed.

In this excellent volume the authors, under the direction of Professor Pollock, who can rightly claim not only a profound understanding of the German political system and ideology, but also some responsibility for our policies in Germany in the post-World War II period, present an optimistic point of view about Germany's future. The volume is devoted to the study of the working of the rediscovered democratic process, with particular emphasis on elections. The reader gets, for the first time, an excellent account of what the Germans thought and how they voted in the elections of 1953—an account generally similar to the ones given in the very competent volumes that appeared in Great Britain for the general elections of 1945, 1950, and 1951. The ideology and platforms of the major political groupings—the “majority party” (the Christian Democratic party) and the “opposition” (the Social Democratic party)—are carefully analyzed, though at times too much emphasis is placed upon the past history of these two parties rather than upon their contemporary ideological orientation and social composition. An excellent chapter is provided by Pollock on the electoral law under which the elections of 1953 were held and McHargue adds an able statement on the actual voting machinery as it was observed at the polls. Two “close-ups” of the electoral process for the months preceding the election and of the actual balloting and the election returns, along with a good interpretive analysis of the voting, are given by Bretton for one electoral district (Hersfeld, in North Hesse) and for another electoral district (corresponding to the Düsseldorf-Mettman *Landkreis*) which is considered to mirror as accurately as possible the Federal Republic. There is a good concluding chapter on United States policy in which the role played by this country in the election is frankly admitted. The identification of the Christian Democratic party position with United States foreign policy is candidly shown to have favored rather than harmed Chancellor Adenauer.

The reader, as we noted, will find in this volume an optimistic view. The elections were held in the most orderly fashion; extremists were routed and the young Republic, despite some of the policies advocated by the Social Democratic party, seemed to be remarkably close to a general agreement on the fundamental issues facing it. The democratic parties seem to be well in control of the situation today, as they were in the early years of the Weimar Republic. The scrupulous adherence to democratic processes in electoral campaigning and balloting, so well described by the authors, appears to leave little room for concern. The evaluative remarks of the authors, especially Bretton, go one step farther and help the reader reach a point of happy complacency. For instance, “There are no indications,” he writes, “that the new German Army will again become an instrument of aggression,” and “The German commit-



ment to a democratic state appears to be sincere." It follows, of course, that the fears of the French are unfounded, and that many of our difficulties are due to the Soviet foreign policy, which sows "discord among the nations of the West." The solution to "Europeanize" the Saar is applauded, at the time of writing, by the same author as an indication of Germany's commitment to the West.

One cannot read these statements without considerable skepticism. They are, to begin with, premature; secondly, they leave out of consideration some of the basic concerns of the Germans—reunification being the most important today. What form will it take? Is the "neutralist" position plus the reunification advocated by the Social Democratic party worse than advocacy of reunification by force—something that may in the future break the Republic's tender back? If and when this is advocated then perhaps the Social Democratic policy may, retrospectively, appear to have been not really inconsistent with the interests of Germany, of the European community, and of the United States. Thirdly, despite intentions to keep the army under political control, one cannot ignore the historical role it has played nor fail to watch its growth without serious misgivings.

Such skepticism may be unfounded. It is the hope of this reviewer that the authors will produce volumes on many future German elections as competently as they have done for the last one. It is also his hope that the elections will continue to mirror the spirit of Germany's "commitment to democracy." At this stage, however, I cannot share Bretton's optimism. It is, of course, for the reader to decide how much real hope there is for Germany's future, and I can think of no better volume to suggest than the one Professor Pollock and his associates have produced.

ROY C. MACRIDIS.

*Northwestern University.*

*Israel's Emerging Constitution, 1948-51.* BY EMANUEL RACKMAN. (New York: Columbia University Press. 1955. Pp. xvi, 183. \$3.00.)

Although poor in natural resources and small in population, Israel rightfully boasts of a larger per capita supply of difficult problems than any other country in the world. For the social scientist, this new state of less than two million people is a microcosmic laboratory in which political, economic, and cultural questions of worldwide significance can be studied at close range. Among these are the issues associated with clashing cultural backgrounds, religious differences, the treatment of national minorities, rapid economic development, serious inflationary pressures, the continuous threat of war, the existence of an economic blockade, the role of collective, cooperative, labor-owned, and national enterprises, the dilemmas of a victorious labor party, proportional representation, the operation of coalition government, the development of a new governmental structure, and—as vividly demonstrated in recent months—the great conflict between the free world and the Soviet bloc.

In this modest volume the author singles out for isolated treatment the development of Israel's constitution during the first few years of its existence. He gives special attention to the debate on whether or not a written constitution should be adopted. Although the founders of the state had done considerable work in preparing alternative drafts, the final decision was negative. Lip-service to the idea of a written constitution was provided, however, by a parliamentary resolution favoring a written constitution at some future date (a resolution that has thus far remained a dead letter). Of particular interest are the reasons for the negative decision. The author shows how politically-organized religious groups played a central role by insisting that a written constitution give a central status to the Jewish religion. Although the religious groups were in a minority position, it seems clear that Prime Minister Ben Gurion felt that it would be better to dodge this issue at a time when an effective coalition government depended upon their support.

The author also gives attention to the development of constitutional principles through the enactment of the new state's first laws. With but minor modifications, Israel's parliamentary system was based on the "shadow state" which had been organized by the Jewish community during the days of the British mandate. It consisted of a unicameral legislature composed of members elected through a system of nationwide proportional representation on the basis of national party lists. Proposals for a system of single-member districts were discussed but—because of the natural opposition from the large number of small parties—abandoned. The judicial system existing under the mandate—with its variegated array of Jewish rabbinical courts, Moslem courts, and Christian ecclesiastical courts—was also continued. This has meant some serious limitations in the civil rights of women. (The broader issues of civil rights, including the rights of the various Arab minorities, are not discussed.) The most drastic changes that were made in the earlier years were the merging of previously separate defense forces into one army, the abolition of bigamy and child marriage, and the offer of citizenship to any Jew coming to Israel. The issue of a national school system to replace the separate schools under the wings of political parties and religious groups was postponed. (A unified system was established, however, soon after the end of the period covered in the book.) With government action penetrating into almost every field of human endeavor, a broad consensus developed on the philosophy of the "positive state." The character of this consensus is partially indicated by the continuous demands of the right wing "free enterprise" minority to nationalize the health services and labor exchanges that have developed under the wing of the General Federation of Labor.

From the viewpoint of comparative government, this book is a useful—albeit limited—case study. From the viewpoint of Middle East affairs (which will probably attract more attention now that this area is once again a bitter bone of international contention), it is a valuable contribution, and should be supplemented by similar studies of constitutional developments in neighboring

countries, particularly Egypt. In the opinion of this reviewer, however, the most notable contribution it can make is to help open up to broader and more intensive analysis the multi-hued host of twentieth century social and political questions to be found at this scene of ancient glory and tragedy.

BERTRAM M. GROSS.

*Jerusalem, Israel.*

*Foreign Policy and the Democratic Process.* BY MAX BELOFF. (Baltimore: The Johns Hopkins Press. 1955. Pp. 134. \$3.00.)

With the publication of these four Albert Shaw Lectures on Diplomatic History, delivered in 1954 at the Johns Hopkins University, Max Beloff, already well known to American readers, joins the growing ranks of those examining the compatibility of democratic processes with effective foreign policy.

While his remarks are in part generalized and specific allusions are made to most of the Western democracies, it is the United States that Mr. Beloff has at the center of his attention. Americans inured to the criticisms of Lippmann, Kennan, Morgenthau, *et al.* may find Beloff's strictures lacking both novelty and bite. In setting forth the "Problem of Democratic Foreign Policy" the author cites the concern in this country over whether the adaptation of technological changes to improvement of international positions entails necessarily the abandonment of social, economic, and political values that lie at the heart of the concept of democracy. But he speaks of "concern," not of conscious or unconscious abandonment of the latter to the exigencies of the former. This same mildness and, one is tempted to say, balance are also evident in Beloff's examination of the "Pre-suppositions of Democratic Foreign Policy." Mention is made of the (erstwhile?) American penchant for public diplomacy, of the historical efforts to subject diplomacy to popular control, and of the greater concern which the State Department manifests over informing the public, as compared with both the Foreign Office and the Quai d'Orsay. The conclusion, once again, is a tempered one: in foreign policy "newly enfranchised democracies would all seem to require at least a period of apprenticeship."

To this reader, at least, it was the third section, "Institutions of Democratic Foreign Policy," which seemed the most effective, because it was the most challenging. This is not to say that he agreed with all of Mr. Beloff's contentions. Despite the sources named, it would appear to be an exaggeration to repeat that "... Congress is a co-ordinate member of a foreign policy team; and this co-ordinate membership extends to the House as well as the Senate." Also the frequently perceived cleavage in the Republican party between "isolationist," Middle Western, congressional leadership and "internationalist," Eastern, executive leadership may well be an over-simplification of a passing phenomenon. (After all, just how "isolationist" or Middle Western is Senate Republican leader Knowland?) One should not cavil too much, however. Americans tending to take executive control for granted, should be recurrently reminded of

the enlarging role and responsibility of Congress. As we approach a national election, Democratic divisions over domestic policy should not totally crowd from view intra-Republican struggles over party orientation toward foreign affairs. It is timely to read of American dependence on the "accident of personality," though we do not forget Sir Winston and the present Prime Minister's difficulty in emerging from his long shadow. Mr. Beloff also performs a service in warning his readers of the danger of paying lip service to "civilian control" without any real comprehension of its meaning. In the concluding section the author confronts classical concepts of national sovereignty with the modern requirements of free-world security, but he at the same time follows the official position of the British government in refusing to see supra-national structures as an inevitable or even a necessarily desirable solution. Like Raymond Aron, Beloff can only hope for democratic wisdom in the use of techniques of statecraft forced upon us by the increasing improbability of total war but still so new that their dimensions and consequences have not as yet been ascertained.

*Foreign Policy and the Democratic Process* is an exceedingly well-written volume, benefiting perhaps from the fact that the material had first been read aloud. Much of its interest is to be found in seeing the United States through the eyes of a thoughtful, informed, articulate, foreign observer. Clearly directed toward the non-academic public, it deserves a wide audience.

EDGAR S. FURNISS, JR.

*Princeton University.*

*Continuity and Change in Russian and Soviet Thought.* EDITED WITH AN INTRODUCTION BY ERNEST J. SIMMONS. (Cambridge, Mass.: Harvard University Press. 1955. Pp. xii, 563. \$7.50.)

This ponderous symposium is a collective attempt to determine the degree to which the Soviet regime has remade the Russians or has remained Russian. It emerged from a four-day conference which was held at Arden House in March, 1954 under the auspices of the Joint Committee on Slavic Studies of the American Council of Learned Societies and the Social Science Research Council. The participants represent a wide variety of disciplines, institutions, and personal experience.

The problem is approached in terms of six broad categories: economic thought; authoritarianism and democracy; collectivism and individualism; rationality and nonrationality; literature, state and society; and Russian and Soviet messianism and theories of action. No serious attempt can be made to evaluate or even mention each of the 26 individual specialized papers which comprise the bulk of the volume except to say that they are, on the whole, well-documented and that each is capable of standing alone. Some are highly specialized, such as Father Florovsky's paper on "Reason and Faith in the Philosophy of Solov'ëv and Nicholas Riasanovsky's study of "Khomiakov on *Sobornost*." Others involve a greater sweep. Alexander Gerschenkron's paper, which deals

with nineteenth-century Russian economic thought, also broaches the question of economic backwardness in general terms. Three papers on Stalin offer much in the way of enlightenment regarding his methods and the rationale underlying them: they are Alexander Erlich's paper on the late dictator's views concerning economic development, John Bergamini's study on collectivization, and Adam Ulam's "Stalin and the Theory of Totalitarianism." Of these, Ulam obviously had the most difficult task.

The danger of every symposium is that it can easily result in more fission than fusion. The thankless task of attempting to summarize, evaluate, and integrate the specialized papers fell to the veteran Soviet area specialists Alexander Gerschenkron, Merle Fainsod, Michael Karpovich, Geroid Robinson, Ernest Simmons, and Philip E. Mosely. If it were not for the work of these reviewers, the volume would completely fail to live up to its imposing title. Julian Towster, in his very able paper on "Vishinsky's Concept of the Collectivity," is one of the few authors of individual papers who succeeded in placing his topic in a broader perspective in the spirit of the volume's title.

Of course, this is a problem which in its analytical dimensions and complexity is one of tremendous importance and also one which requires methodological caution but also a certain degree of boldness. Merle Fainsod's review in the volume provides some sober and meaty reading in this respect. He complained quite justifiably, in reviewing the papers on authoritarianism and democracy, that the participants "in their collective wisdom . . . have avoided the issues of continuity and change like the plague, and they have left me to rush in where prudent men fear to tread." He also wisely warned that "the march of events plays tricks on the best of us" and that "we are the unavoidable victims of our time span, and it behooves us to be modest in rendering judgments which future events may belie" (p. 172).

The section on authoritarianism and democracy includes, in addition to Ulam's paper, a superbly documented study by Robert F. Byrnes on the arch-reactionary Pobedonostsev, as well as an able paper by Thomas Hammond on Leninist authoritarianism. Michael Karpovich, who himself is representative of the Western-oriented intelligentsia which was all too uncommon in Russia, contrasts the two Constitutional Democratic leaders Basil Maklakov and Paul Miliukov.

The section on literature contains some good papers on tsarist and Soviet literary practices and a thorough survey by Ernest Simmons which points to the dilemma faced by the Soviet regime on the question of publishing the Russian literary classics. Probably one of the best balanced as well as more manageable sections in the volume is that entitled "Russia and the Community of Nations," which includes papers by Isaiah Berlin, Hans Kohn, Kermit McKenzie, and Frederick C. Barghoorn. Hans Kohn has very succinctly contrasted the two great nineteenth-century Russian messianic thinkers, Dostoevsky and Danilevsky. Barghoorn's survey of Russian messianism in postwar Soviet ideology and McKenzie's paper on the Comintern provide a contrast with the earlier mes-

sianism and the basis for Philip Mosely's conclusion that the Soviet brand is far more significant, persistent, and effective than that of the nineteenth century.

The section on rationality and nonrationality includes an excellent survey of Soviet biology by Theodosius Dobzhansky, as well as interesting papers by George L. Kline and Herbert Marcuse, but its high point is Geroid Robinson's unusually provocative and able commentary. Robinson boldly and impressively questions the rationality of Russian pre-Soviet and Soviet thought and contends that "pre-revolutionary Russia was intellectually somewhat immature, and that this condition *helps* to explain both the immaturity of the Bolshevik ideology and its success in winning a certain following in the Soviet Union" (p. 359). He points out that Russian autocracy lacked a systematic political theory, that the Russian Orthodox Church has "placed more emphasis on mysticism, and less on intellectualism," and that its saints have not been scholars as was often the case in the Western Church. Of course, the Orthodox Church can be defended on the ground that the essence of religion is a matter of faith and not of reason, but Robinson strengthens his case by also citing the low level and obscure nature of the writings of the Populists and of the Socialist Revolutionaries who followed them. In this connection, mention should be made of Oliver Radkey's paper on Chernov, the Socialist Revolutionary leader, which goes far toward explaining the miserable performance of that party in 1917 despite its having won the elections to the Constituent Assembly. It is a pity that Robinson's stimulating commentary, which is reported to have created something of a limited uproar at the Conference, is not pursued in any of the other papers.

It is the impression of this reviewer that the Conference would have been more fruitful if greater resources had been devoted to enabling the volume to live up to its title. The individual papers could have been commissioned as well as some others, but a companion volume or, in any case, a more effective evaluation and synthesis would have been desirable. Yet this is a rich collection of papers and comments, whatever its shortcomings, and it will serve in many respects as a basic work on the Soviet Union and as a foundation for much-needed further study of the problem.

JOHN S. RESHETAR, JR.

*University of Pennsylvania.*

*Becoming.* BY GORDON W. ALLPORT. (New Haven: Yale University Press. 1955. Pp. 106. \$2.75.)

Political scientists who are disturbed by the crescendo of demand to "psychologize" their profession will profit from this lucid book. Delivered in 1954 as the Terry Lectures at Yale, the essay reflects Allport's belief "that modern psychology is in a dilemma. Broadly speaking, it has trimmed down the image of man that gave birth to the democratic dream." If this diminution had some

utility, Allport argues that positivistic psychology, with its stress upon man as an "empty organism," fails to supply the needs of democratic theory "that man possess a measure of rationality, a portion of freedom, a generic conscience, propiarte ideals, and unique value" (Pp. 99-101).

The reasoning culminating in these conclusions begins with an examination of the philosophical roots of various psychological schools. Consciously oversimplifying, Allport dilates on two polar conceptions, the "Lockean and Leibnitzian traditions." For Locke, nothing could be in the intellect that was not first in the senses; but Leibnitz added the table-turning qualification: "save only the intellect itself"! Locke's formula underlies the various stimulus-response, behavioristic psychologies which fascinate so many contemporary American social scientists. Leibnitz's conception is more congenial to Gestalt, cognitive, and phenomenological psychologies and (paradoxical as it may seem to political scientists) furnishes better than Locke's the philosophical base for morally responsible adults.

Allport urges the study of man as a unique personality. This approach involves some depreciation of tendencies to isolate common traits, drives, needs, attitudes, dimensions, or behaviors in favor of dealing with the whole man. It implies criticism of superficial inferences from animal psychology. "I venture the opinion that all of the animals in the world are psychologically less distinct from one another than one man is from other man." It requires shifting the focus of study from man's past to his future—hence "Becoming." This refocusing is assisted by Allport's interpretation of infantile experience, which can inflict "an ineradicable scar" on the emergent character, but which also is capable of laying the foundation for a lifetime of "continuous and unimpeded growth."

To fill the "empty organism" of positivistic psychology without invoking a magical "self" to explain all psychic phenomena, Allport advances the "proprium." The proprium contains "all aspects of the personality that make for inward unity," including (among others) self-identity, ego-enhancement, rational agent, and self-image. One aspect, "propariate striving," refers to the propensity of human beings to set goals for themselves—Raold Amundsen is the telling example. Propariate striving radically qualifies the almost sovereign efficacy of "tension reduction" as the explanation for many psychologists of motivation. Here the analysis raises the question of conscience, which may begin with "internalized" Freudian musts and must-nots but which, in normal, rational adults includes much more—"specific habits of obedience give way to generic self-guidance" by means of values.

Enter cultural determinism's claim that values are socially prescribed and that personality is "merely the subjective side of culture." In deflating this claim, Allport arrives at the question of freedom of the will—"no other issue causes such consternation for the scientific psychologist." Allport's defense of a degree of freedom, his stress upon the question of the meaning of man's existence, and his concluding remarks on religion and democracy all help fulfill

his intention to prepare the way for a psychology more adequate to human needs. Finally, the author relies throughout on the kind of evidence political scientists traditionally have understood and employed.

CHARLES M. HARDIN.

*University of Chicago.*

*German History: Some New German Views.* EDITED BY HANS KOHN. (Boston: The Beacon Press. 1954. Pp. 224. \$4.00.)

The ideal of the historian may be to float above the conflicts of his time and to present the past as it really was, but as human being he cannot escape history. Twice in the last half-century, German historians have had to face this problem in a peculiarly acute form; twice their state and their society have suffered the devastating effects of losing a modern war. The book before us deals with this in two parts: an introduction and an essay by the editor in which he sets the problem, and eleven articles in which a group of German historians re-think some of the most important aspects of their history.

All of these essays were written between 1945 and 1952. In age and experience the authors range from Friedrich Meinecke, who was born in 1862, to Walther Hofer, who was born in 1920. Among them are Protestants and Catholics, conservatives and liberals, but all are scholars of recognized ability as historians. The choice of themes reflects the questions discussed by professional historians and by thoughtful laymen: the *via dolorosa* of the civilian spirit in Germany, militarism in modern history, the Bismarck problem, misfortune and moral decisions in German history. Of especial importance for readers interested in the broader problems of historical revision are Johann Rantzau, "The Glorification of the State in German Historical Writing," and Walther Hofer, "Towards a Revision of the German Concept of History."

The editor's own contribution to the work goes beyond the wise selection of the representative essays. In his introduction and in his paper entitled "Rethinking Modern German History," he has presented and analyzed the recent and contemporary trends in Germany. He points out that "in modern Germany scholars, and above all historians, have played a great role, indicating the changes in national temper and directing public opinion." He recognizes that the future of Germany "is being not only, and even not mainly, influenced by her historians," but also that German intellectuals and scholars have carried a great share of the responsibility for "the anti-democratic and anti-Western attitudes of the German people in the last one hundred and fifty years." The question is therefore pertinent: "Will they now be more helpful in integrating Germany into the democratic community of the West?" A part of the answer is found in the rest of this book.

My own experience during a year in Germany has strengthened my consciousness of the significance of Hans Kohn's question. Most Germans, historians and laymen, need to learn much about what happened in Germany and in the world when censorship and propaganda controlled their supply of informa-



tion. It was encouraging to see the increase in the courses on recent history, given by young and well-balanced scholars in the normally conservative departments of history. The variety of questions and of answers, illustrated by the essays here published and matched by many that could not be included, have also helped to break the hold of misinformation and misinterpretation on the German mind.

Yet if the desired results are to be attained, we must recognize some problems which Kohn has considered only in passing or not at all. One is the danger that a program of purposeful historical revision will approach the other extreme, that in the sincere desire to accomplish a worthwhile end historians will produce propaganda which will be easily upset by historical fact. A reason for the ineffectiveness of the revisionist movement in Germany after 1918 was that much of this writing was by non-historians or by historians who did not have the respect of their fellows. Other questions are the validity of the contrast stressed by Kohn between "West" and "East," and of the "alienation of Germany from the West." It is true that even Gerhard Ritter in some of his writing accepted the idea that National Socialism was made possible by "the separation of German political thought from Western European thought," but his view that the pernicious trends in modern German history were common to European civilization as a whole has so far been answered only as Kohn answers it, that "isolated trends in Western nations became dominant ideas in Germany." Finally, in considering the possible effects of rethinking German history by German historians, we must not forget that outside of Germany, too, history is being "revised." "Twenty years of treason" and the writings of such men as Charles Tansill and Harry Elmer Barnes are not unknown in Germany. Time and again I had to remind Germans—and Americans in Germany—that it was Hitler not Roosevelt who broke down the barriers between Germany and the Soviet Union and initiated the movement that brought the Russians to Berlin.

Two years after the publication of *Some New German Views*, it is possible to answer Kohn's initial question by saying that the problems he saw and analyzed were also clearly seen and analyzed by his group of authors, and that German historians have helped to integrate Germany into the democratic community of the West, but that the future of historical interpretation in Germany, like the role of Germany herself, is fluid and uncertain under the impact of events and ideas at home and abroad.

LAWRENCE D. STEEFEL.

*University of Minnesota.*

*Research Frontiers in Politics and Government: Brookings Lectures, 1955.* BY STEPHEN K. BAILEY, HERBERT A. SIMON, ROBERT A. LAHL, RICHARD C. SNYDER, ALFRED DE GRAZIA, MALCOLM MOOS, PAUL T. DAVID, AND DAVID B. TRUMAN. (Washington, D. C.: The Brookings Institution. 1955. Pp. vii, 240. \$2.75.)

The Reverend Sydney Smith in 1825 said of the function of the book reviewer,

"One great use of a Review, indeed, is to make men wise in ten pages who have no appetite for a hundred pages; to condense nourishment, to work with pulp and essence, and to guard the stomach from idle burden and unmeaning bulk." No such service is required for the Brookings papers on the frontiers of political science research. In fact the materials are so lean and meaty that any subtraction or compression would be a wound in the flesh. There is no dispensable tissue, and nothing to compress. Readers of these words are therefore advised to seek here no condensation of their intellectual nourishment, but to read and re-read in detail the admirably succinct summaries of current research in political science and research yet to be done which a distinguished group of writers has brought together in these lectures.

The range of their interests is broad. Stephen Bailey discusses historical, institutional, behavioral, and philosophical approaches in political science research of interest to "decision-makers"—legislators, politicians, judges, bureaucrats—rejecting at the outset the notion that scholars have nothing to say to the practitioners. Herbert Simon appraises current research in organization theory in the perspective of twenty years of development; and says, among many other things, that we "need to construct not a single theory of organization but two bodies of theory—one of them applicable to programmed decision-making, the other applicable to non-programmed decision-making." The latter is "the principal *terra incognita* of organization theory today." Robert Dahl contributes a piece on four kinds of decision-making process (hierarchy, democracy, bargaining, and the price system), and identifies such obstacles to theory as the absence of satisfactory criteria for distinguishing different distributions of power, the variations in the level of political activity that each process supposes, problems of personality and predisposition which these processes present, and the problem of the policy-maker. Richard Snyder finds areas of interest common to the game theorist and the political scientist, and suggests some possible "applications and uses of the theory of games for the analysis of political behavior." Alfred de Grazia summarizes six changing techniques of research on voters and elections, and describes six topics being subjected to research by means of those techniques. These are: the relation of politicians to opinion; the identifications of voters with groups, ideas, and people; the voter's perception of the world of politics; his preferences among issues; his persuasability; and the level of political information and activity in America.

Malcolm Moos discusses the elements of a nominating theory which would be applicable to presidential conventions, and suggests that the most serviceable concept of the nominating process is to regard it as an act of leadership succession. Paul David deals with some developments in the study of comparative state politics, and hazards some hypotheses about the realignment of national parties that might be clarified by the use of data from the field of comparative state politics. And David Truman brings the symposium to a conclusion with a lucid account of the development in the behavioral sciences of research technique, which he thinks has progressed farther than the development of validated and expanded theory. He also discusses the impact of these

developments on political science, and warns of limitations in their application to political science.

Comprehensive though the view of political science research is in these lectures, a more nearly accurate title for the book would be "Some Research Frontiers," a phrase that is used in the Introduction. Broad though it is, the coverage does not include discussion of recent work in the judicial process; in the field of comparative politics—for example the comparative politics of non-Western systems—apart from the references to comparative state politics; in international relations (except for passing references to the application of game theory to international situations); on the voting behavior of legislators, the legislative process in its many other aspects, or the activities of interest groups; on the convergence of the interests of political scientists and urban sociologists in the study of municipal institutions; to name some. Moreover, in most of these lectures, researchers at the frontier would appear to be at least as much concerned with problems of method as with the establishment of validated theory, if indeed not more so. It almost seems at points as though the frontiersmen were still hammering wheels on Conestoga wagons which they hope will some day drive them or others to fertile prairies of data. In many of the instances reported by the lecturers, the wagons have not yet started, and the frontier is still closer to Pittsburg than to Cheyenne.

The discussions of research bring certain general matters to mind. First, although there is more or less common concern with problems of method, the authors of these excellent lectures do not speak with a single tongue about the subject of the science. Is it decision-making (several papers stress this), institutions, the political process, policy? Or are all of these aspects of the single unifying idea of power, about which, Dahl says, we "do not have any wholly satisfactory criteria for distinguishing different systems of power." Second, if these be important frontiers of research in political science—assumedly the most important—are there many, if any, graduate schools and graduate programs that qualify a student to engage in work in these areas? What department contains even the minimal unity of concept and approach that these essays represent? The inadequacy of the conventional graduate "training" of political scientists is attested by the fact, among others, that imaginative post-doctoral spirits have to re-tread their training in the post-graduate centers of foundation philanthropy. Third, much of the current speculation about political science concerns itself not only with decision-making, which is a scientific category of great interest, but with decision-makers. And this brings to the front, as though we needed to be reminded of it, the refractory nature of the materials of our science. Perhaps it is not frivolous to think of the famous croquet game in Alice, where the materials of the game—the flamingos and the hedgehogs—don't simply lie inert, waiting to be manipulated, but show a depressing inclination towards independent actions of their own. Not only do our political wickets, balls, and mallets bend, run, blink, and sneeze—we hope that they will think well of us. Politics is indeed harder than physics, as Einstein said it was.

But there is no occasion to be discouraged. Perhaps we should, as David Truman suggests in the last lecture, recognize that as a consequence of the institutional focus of political science, the direct relationship between the behavioral sciences and political science is roughly that between "basic" and "applied" research. The political scientist can and should make use of "accepted hypotheses and promising models" developed in the behavioral sciences. But although he should borrow what he can use, neither he nor the behavioral scientist should think that what happens in the nursery among three children, called objectively A, B, and C, is an adequate explanation of what happens among three nations called America, Britain, and China.

If our problem in developing some political "science" seems to us unduly great, we should take comfort from the fact that the resurgence of interest in the field in the last quarter-century has been tremendous, that there is a sense of new and exciting discovery, and that there is undoubted accomplishment. The Brookings lectures make the resurgence, the sense, and the accomplishment abundantly clear.

EARL LATHAM.

*Amherst College.*

*Woodrow Wilson and the Balance of Power.* BY EDWARD H. BUEHRIG. (Bloomington, Indiana: Indiana University Press. 1955. Pp. x, 325. \$5.00.)

In this perceptive and cogent analysis of the causes of American entry into World War I, Professor Buehrig of Indiana University traces one-by-one each of the main strands of policy from 1914 to 1917, shows their interrelationships, and appraises their relative importance at different stages along our road to war. The main elements examined are neutral rights and submarine warfare, economic involvement with the allies, mediation between the belligerents, the development of the League idea, and the aim to make the world safe for democracy. Wilson's emphasis at first was on a rather legalistic defense of traditional neutral rights against the shattering impact of the new naval technology. But after he had staked America's prestige and honor on this issue by exacting the Sussex Pledge from Germany, the President himself, Buehrig emphasizes, came increasingly to regard neutral rights as insufficient grounds for a major war. Other objectives came to the fore, to be achieved in the context of a compromise peace—only to be transmuted into the Utopian objectives of a victorious war when the German strategists decided to throw down the gauntlet of unrestricted submarine warfare.

Concerning America's true national interest in World War I, Buehrig's own perspective is akin to that of George Kennan; our wisest objective would have been to mediate a compromise peace which would have preserved a balance of power in Europe. But Buehrig gives Wilson and House greater credit than do most of the current "realist" critics for attempting persistently in 1915 and 1916 to achieve essentially that very end, a "peace without victory." The effort failed mainly, he contends, because our military posture and isolationist tradi-

tions were such that England and Germany (indeed American leaders themselves) underestimated how much weight we would actually bring to bear against the side which most antagonized us.

Responsibility for the inadequacy of American diplomacy is thus made to rest upon the immaturity of the popular attitude toward world politics. The immaturity is traced mainly to the coddling effects of a century of British naval supremacy—but one wishes that Buehrig had given detailed attention to various currents in American opinion. Although his impressionistic judgments on this problem seem valid, his rather sketchy treatment of it constitutes the one major gap in what is otherwise a lucid and useful study of America's first gropings toward world leadership.

H. BRADFORD WESTERFIELD.

*Harvard University.*

## BOOK NOTES AND BIBLIOGRAPHY

### AMERICAN GOVERNMENT AND POLITICS

*The Challenge of Law Reform.* BY ARTHUR T. VANDERBILT. (Princeton, N. J.: Princeton University Press. 1955. Pp. vi, 194. \$3.50.)

In 1954 Chief Justice Vanderbilt of the New Jersey Supreme Court delivered the William H. White Lectures at the University of Virginia Law School. This book is built on those lectures, somewhat revised and expanded.

Long a leading contributor and active participant in American legal reform, this distinguished jurist deftly probes those mechanics of our legal system which he knows from experience can be improved and charts a course which he believes must result in a much-needed refinement of the substance of the law itself.

The more immediate objectives, he contends, are clear and readily obtainable. Either the whole legal profession must accept its leadership responsibility, as in Delaware, or the needed changes will come about through a popular revolt as in England a century before and in New Jersey.

Visualizing simplification and modernization of the substantive law as a fourth sector on the reform battlefield, he sees the other three sectors as ones where victory must first be won. In order of importance these are: better judicial personnel including jurors, simplified judicial structure and procedure, and improved management methods to reduce the law's delays.

Most attention is given to the latter two sectors. The emergence of a simpler court structure, of flexible procedural rules aimed at minimizing technicalities and surprise, and of pretrial conferences and modernized rules of evidence are traced in the English setting and pointed to developments in certain American jurisdictions. Devices for better utilizing judicial personnel, for speeding up cases, and for producing an administrative organization within the judicial framework capable of developing and executing sound administrative policies are examined against a rich background of experience in New Jersey. This is a learned and effective presentation.

The really challenging task in the next half of the twentieth century, Justice Vanderbilt contends, is that of adapting the substantive law to the needs of the times. Voluminous and

inaccessible as much of it is, serving as it does the conflicting objectives of different but overlapping eras in an age when economic, social, and political changes are more involved than in any comparable period before, busy as its technicians are—this is a tremendous undertaking. Who is to tackle it?

Judges and lawyers are thought to be too occupied to provide the needed leadership. The idea of a ministry of justice is examined and discarded. Law schools presently oriented to teaching are not the answer. What is needed are law centers—meeting places for legal scholars of all kinds and of informed laymen—whole faculties that can face the problem of law reform.

This little book preserves some able and challenging lectures and projects their challenge to all who will read and reflect.—HOWARD A. CALKINS, *University of Texas.*

*The Forgotten Ninth Amendment: A Call for Legislative and Judicial Recognition of Rights under Social Conditions of Today.* BY BENNETT B. PATTERSON. (Indianapolis: The Bobbs-Merrill Company, Inc. 1955. Pp. vii, 217.)

Mr. Patterson's little volume boils down to a plea to the United States Supreme Court to find protection for our unenumerated rights—our "rights of natural endowment"—in the up-to-now unused Ninth Amendment. He prefers such protection to the Court's usual reliance on the due process clause of the Fourteenth Amendment and to its occasional reliance on the general but extra-constitutional principles of limited government. Mr. Patterson does not charge that those rights have heretofore been poorly protected by the Court or that the Ninth Amendment would offer them better protection. Rather, it is a matter of principle with him. He is concerned that twenty-one words in the Constitution seem to be sterile of meaning and convinced that, properly interpreted, their use would fill the one serious void in our Constitution as read by the Court today, namely, the lack in it anywhere of a succinct statement of the theory of individual, inherent rights. It is his contention and the central message of the book that "The Ninth Amendment to the Constitution is a basic statement of the inher-

ent natural rights of the individual. . . . As such it is a statement of the essence of the aspirations of a democratic form of government. It is the declaration and recognition of individualism, which is the cardinal virtue of democracy . . ." (p. 4). But despite extensive presentation of its legislative history and other arguments supporting his thesis, Mr. Patterson does not satisfactorily demonstrate that the Ninth Amendment is or was intended to be what he declares it to be. He attempts to read into Madison's proposal of the Amendment to the First Congress a great deal more than Madison's few words have generally been construed to convey, and perhaps the Court has uniformly neglected the ratified form of the Amendment—there has never been a direct judicial construction of the Ninth Amendment—precisely because it says nothing not elsewhere said better. For even Mr. Patterson admits that our whole system of government and the Declaration of Independence provide both the guarantees we need for unenumerated rights and a concise statement of the theory behind them. Thus, while the author denies that he is stirring a tempest in a teapot, by and large his entire discussion is academic.

The book is divided into two parts, the central argument, occupying 85 pages, and an appendix, occupying 132 pages and consisting chiefly of excerpts from the *Annals* of the First Congress giving in detail the arguments concerning the adoption of the first ten Amendments to the Constitution. The whole is preceded by an introduction by Roscoe Pound.

All in all, the book is a peculiar example of special pleading. Perhaps the key to the entire volume is given in the closing paragraph of the seventh chapter, which bears the title, "What are the Unenumerated Rights?" "There must be some unenumerated rights. The amendment must be given some meaning. Its value and meaning should not be lost through disuse. This amendment can only be saved by our courts" (p. 56). If there are reasons for Mr. Patterson's feeling of urgency, they do not, unfortunately, communicate themselves to the reader.—RICHARD H. LEACH, *Duke University*.

*A Passion for Politics: The Autobiography of Louis Brownlow, First Half.* BY LOUIS BROWNLOW. (Chicago: The University of Chicago Press. 1955. Pp. xii, 605. \$7.50.)

The warm personal story of the life of Louis Brownlow from his birth in the Ozark Moun-

tains in 1879 when "Alf but a minute minority of the citizens saw the federal government, now that the army had been demobilized, only in and through the post office"; through the formative years when he was self-educated by doing, reading, and moving with people, and when he acquired his deep interest in politics; and on through his varied journalistic career—in Tennessee, Kentucky, Washington, and ultimately in the Far East, Latin America, and Europe; and up to the moment of his appointment as a Commissioner for the District of Columbia, when the second half of his life began. It is more however, than a personal story for there is history of the times, comment on life and events abroad, and revelations on politicians and politics. The second volume on "Brownie's" career in administration will be anxiously awaited by friends; students of administration, and many others who know of his notable career and intimate writing.

*Nine Men: A Political History of the Supreme Court of the United States from 1790 to 1955.* BY FRED RODELL. (New York: Random House. 1955. Pp. xii 338. \$5.00.)

A mixture of fact and opinion in which Mr. Rodell favors a libertarian activist Supreme Court as regards civil liberties and an abstemiously passive Court as regards property and other economic rights. The book, therefore, is hardly history or constitutional law; whatever may be its merits as polemics.

*The Supreme Court in the American Scheme of Government.* BY ROBERT H. JACKSON. (Cambridge, Mass.: Harvard University Press. 1955. Pp. viii, 92. \$2.00.)

An account of the Supreme Court as a unit of government, law court, and political institution in which the late Justice Jackson with characteristic candor discusses the work of the Court. There are interesting comments on the conference and the inability of the members of the Court to read all the materials presented in litigation.

*The Congressional Anthology: Poems Selected by Senators and Representatives.* EDITED BY ERNEST S. GRIFFITH AND KENTON KILMER. (Washington, D. C.: The University Press of Washington, D. C. 1955. Pp. ix, 156. \$3.00; Student edition, \$2.00.)

The favorite poems of 130 members of Congress, the Vice-President, and the chaplains of the House and Senate. The poems,

arranged under the headings "The Man" and "The Statesman" and followed by four written by members of Congress, range from the classics to modern American verse and reveal much about the humanity and aspirations of the members.

*Organization and Management: Theory and Practice.* BY CATHERYN SECKLER-HUDSON. (Washington, D. C.: The American University Press. 1955. Pp. viii, 324.)

Written for teachers, training officers, supervisors, executives, and students this is a kind of text or manual of study, but it differs substantially from other texts or outlines. It concentrates on principles and processes, contains 20 tables, introduces each chapter with questions for study, builds each chapter by statement of a number of principles or elements in process or questions, and concludes with an extensive annotated bibliography. It deals with administration in large organizations, with particular focus on public management at the national level.

*Reapportionment in Alabama.* BY JAMES E. LARSON. (University, Alabama: Bureau of Public Administration, University of Alabama. 1955. Pp. viii, 76.)

A careful analysis of inequality of representation on a population basis in a state which has not had a legislative reapportionment since 1901 and of the probable effects of various plans for reapportionment which have been proposed.

*The Florida Constitution of 1885: A Critique.* (Reprinted from *University of Florida Law Review*, Vol. VIII, No. 1, Spring 1955.) BY MANNING J. DAUER AND WILLIAM C. HARVARD. (Florida: University of Florida Press. 1955. Pp. 92.)

An incisive analysis of defects in draftsmanship in Florida's Constitution and an evaluation of its substantive parts in the light of the recentness, speed, and character of the state's growth, with suggestions for improvement.

*The Minnesota Department of Taxation: An Administrative History.* BY LLOYD M. SHORT, CLARA PENNIMAN, AND FLOYD O. FLOM. (Minneapolis, Minn.: The University of Minnesota Press. 1955. Pp. viii, 176. \$3.00.)

A group research product of the Public Administration Center of the University of Minnesota detailing the administrative de-

velopment of the Minnesota Department of Taxation, including both staff functions and operating tax activities.

*The Jefferson County Survey of Health, Welfare, and Recreation Needs and Services.* PREPARED BY A CITIZENS COMMITTEE OF THE JEFFERSON COUNTY COORDINATING COUNCIL OF SOCIAL FORCES AND DIRECTED BY VALERIE A. EARLE. (University, Ala.: University of Alabama Press. 1955. Pp. xiii, 368.)

An exceedingly comprehensive and detailed account of services rendered by public and social agencies and of the deficiencies in program, with recommendations to both types of agencies for improvement.

*The Government of Metropolitan Miami.* (Chicago: Public Administration Service. 1954. Pp. xii, 194.)

A survey of the development and current problems of Metropolitan Miami together with a presentation of governmental alternatives and a recommended approach to the problem of government in the area.

*American City Government and Administration.* BY AUSTIN F. MACDONALD. (New York: Thomas Y. Crowell Co. 6th ed. 1955. Pp. xvi, 656. \$6.50.)

A general, and in places extensive, revision of this text within the framework of previous editions.

*American State and Local Government.* BY CLAUDIUS O. JOHNSON. (New York: Thomas Y. Crowell Co. 2nd ed. 1956. Pp. xi, 305. \$2.95.)

A revised text designed, as was the first edition, to be used in relatively short courses on the subject. The same plan of organization is continued and a new chapter—"The States in the American Federal System"—is added to deal with intergovernmental relations. Numerous charts and tables and the "Model State Constitution" are included.

*Essentials of Missouri Government.* BY ROBERT F. KARSCH. (Columbia, Mo.: Lucas Brothers, Publishers. 4th ed. 1955. Pp. i, 157.)

A revision of a very useful handbook of Missouri government presenting a great deal of information in concise form and with the aid of more than 50 tables, maps, and charts. Contains the Missouri Constitution of 1955 and amendments thereto.



*The United States Patent System: Legal and Economic Conflicts in American Patent History.* BY FLOYD L. VAUGHAN. (Norman, Okla.: University of Oklahoma Press. 1956. Pp. xvi, 355. \$8.50.)

An exhaustive analysis and evaluation by the author of *Economics of Our Patent System* (1925) of all aspects of the patent system with particular emphasis upon the part played by patents in patent pools, consolidations, cartels, and monopolies. Includes an instructive final chapter on "Remedies."

*Experience under Railway Labor Legislation.* BY LEONARD A. LECHT. (New York: Columbia University Press. 1955. Pp. viii, 254. \$4.25.)

Contains the full story of the backgrounds of legislation and of experience thereunder, revealing the extent of success and failure under the Railway Labor Act in the successive periods during which it has been operative.

*Can We Solve the Farm Problem? An Analysis of Federal Aid to Agriculture.* BY MURRAY R. BENEDICT WITH THE REPORT AND RECOMMENDATIONS OF THE COMMITTEE ON AGRICULTURAL POLICY. (New York: The Twentieth Century Fund. 1955. Pp. xix, 601. \$5.00.)

The Twentieth Century Fund presents an exhaustive research report on the several types of government aid to agriculture and the briefer analysis and recommendations of its Committee on Agricultural Policy. There are two lengthy appendices, one giving the history of the concept of parity and a summary of problems involved, the other supplying the Department of Agriculture's 1954 summary of costs of agricultural programs. The volume is to be succeeded by a second one on the various specific commodity programs.

*Economic Needs of Older People.* BY JOHN J. CORSON AND JOHN W. MCCONNELL WITH POLICY RECOMMENDATIONS OF THE COMMITTEE ON ECONOMIC NEEDS OF OLDER PEOPLE. (New York: The Twentieth Century Fund. 1956. Pp. xvii, 533. \$4.50.)

A comprehensive analysis of the economic problem of the aged and of all roads to their security, followed by the Report of the Twentieth Century Fund's Committee. The Report in general accepts present practice though it is recommended that the states assume an increasing share of the financial responsibility for old-age assistance. The Com-

mittee was divided on how provision should be made for the disabled.

*Policies to Combat Depression: A Conference of the Universities-National Bureau Committee for Economic Research.* (Princeton, N. J.: Princeton University Press. 1956. Pp. x, 417. \$8.50.)

A symposium—a joint effort of universities and the National Bureau—with lead statements and comments covering a range of policies, including among other things budget flexibility, state and local finance, taxes, money, public works, and social security.

*Scientific Management and the Unions, 1900-1938: A Historical Analysis.* BY MILTON J. NADWORN. (Cambridge, Mass.: Harvard University Press. 1955. Pp. vii, 187. \$3.75.)

A scholarly analysis of the relations between scientific management and unions showing the attitudes of unions toward the movement for scientific management and of leaders in the movement toward labor union practices and objectives.

*A Chronicle of Jeopardy, 1945-55.* BY REXFORD G. TUGWELL. (Chicago: The University of Chicago Press. 1955. Pp. v, 489. \$7.50.)

Tugwell presents his reflections written on each of ten anniversaries of the Hiroshima bombing on the problems presented for man by the A-bomb and H-bomb, along with many other reflections on things domestic and international.

*The Economic Thought of Franklin D. Roosevelt and the Origins of the New Deal.* BY DANIEL R. FUSFELD. (New York: Columbia University Press. 1956. Pp. 337. \$5.00.)

Traces the development of Roosevelt's ideas on political economy from the *noblesse oblige* ideals of his family, his early economics courses and the Progressive period to the campaign of 1932, with the general thesis, in conflict with opinions of some other authors, that his "views on basic economic matters were well articulated," though his knowledge, like most of those of his day, was weak on depression problems.

*The Making of Charles A. Beard.* AN INTERPRETATION BY MARY RITTER BEARD. WITH CHAPTERS BY ARTHUR W. MACMAHON AND GEORGE RADIN AND REPORTS FROM JAPANESE CORRESPONDENTS. (New

York: Exposition Press, 1955. Pp. 104. \$3.00.)

Thirty-six small pages by Mary Beard, addresses and reports related to Beard's service in Japan, a brief report on his mission to Yugoslavia, and a reprint of an article by Arthur W. Macmahon on Beard as a teacher.

*Profiles in Courage.* BY JOHN F. KENNEDY. (New York: Harper & Brothers, Publishers. 1956. Pp. xix, 266. \$3.50.)

A United States Senator gives an account of eight instances of courageous acts by eight Senators: Adams, Webster, Benton, Houston, Ross, Lamar, Norris, Taft—preceded by a chapter on influences affecting a Senator.

*What I Think.* BY ADLAI E. STEVENSON. (New

York: Harper & Brothers. 1956. Pp. xvi, 240. \$3.00.)

Selected speeches and writings, or excerpts thereof, since the presidential campaign of 1952.

*The Private Diary of a Public Servant.* BY MARTIN MERSON. (New York: The Macmillan Company. 1955. Pp. x, 171. \$3.00.)

This is an account of Mr. Merson's Washington experiences in 1953 as consultant to the International Information Administration with emphasis on the political difficulties encountered in effectively countering charges made by Senator McCarthy and others, especially those directed at I.I.A.'s overseas library program.

## THE DEMOCRATIC PARTY'S APPROACH TO ITS CONVENTION RULES

The Call to the 1956 Democratic National Convention, issued by Chairman Paul M. Butler on December 21, 1955, provides:

Notice is hereby given that the following resolutions have been approved by the Democratic National Committee for adoption as rules applicable to the 1956 Democratic National Convention:

RESOLVED, That it is the understanding that a State Democratic Party, in selecting and certifying delegates to the Democratic National Convention, thereby undertakes to assure that voters in the State will have the opportunity to cast their election ballots for the Presidential and Vice-Presidential nominees selected by said Convention, and for electors pledged formally or in good conscience to the election of these Presidential and Vice-Presidential nominees, under the Democratic Party label and designation.

RESOLVED, That it is understood that the Delegates to the Democratic National Convention, when certified by the State Democratic Party, are bona fide Democrats who have the interests, welfare and success of the Democratic Party at heart, and will participate in the Convention in good faith, and therefore no additional assurances shall be required of Delegates to the Democratic National Convention in the absence of credentials contest or challenge.

RESOLVED, That it is the duty of every

Member of the Democratic National Committee to declare affirmatively for the nominees of the Convention, and that his or her failure to do so shall be cause for the Democratic National Committee or its duly authorized subcommittee to declare his or her seat vacant after notice and opportunity for hearing.

These paragraphs are a marked departure from the familiar form of call, which is customarily confined to the bare essentials of time, place, and number of delegates from each state.

*Proposed Solution to Loyalty Oath Problem.* These rules are the solution offered by the Democratic party to the so-called loyalty oath problem which erupted on the floor of the 1952 Convention. They must be approved by the Convention, since each Convention prescribes its own rules.

The proposed rules deal with a problem that was the subject of confusion and rancor at the 1952 Convention. That Convention adopted as part of its temporary rules a resolution (Moody resolution) that no delegate shall be seated unless he shall give assurance that he will exert every honorable means available to him in any official capacity he may have to provide that the Convention's nominees appear on the ballot

under the Democratic party designation.

Delegates from Southern states speaking in opposition contended: (1) The resolution did not in fact accomplish more than was required by state law in their states, yet their delegations were bound by party resolutions not to make commitments. (2) The resolution advanced a condition of eligibility of delegates not previously announced or included in the Call. The debate was pervaded by a theme of opposition to this resolution as a "loyalty pledge."

Thereafter, on a motion sponsored by the Credentials Committee, the Moody resolution was amended to provide that for this (the 1952) Convention only, such assurance shall not be in contravention of existing state law nor of the previous instructions of the state Democratic governing bodies.

The delegations of Louisiana, South Carolina, and Virginia advised that they could not give the assurances demanded by the Moody resolution. Governor Battle of Virginia explained that no one in Virginia would have any idea of keeping the Convention's nominee off the ballot, and that the Virginia statutes expressly provided for the Convention's nominees to be on the ballot, but that the delegation objected to the sense of the resolution as involving a commitment to support any future action whatever of the Convention. A motion was made to seat the Virginia delegation on the ground that Governor Battle's statement was in substantial compliance with the spirit of the rule. In due course the Virginia, and then the South Carolina and Louisiana, delegations were seated by the Convention.

The foregoing capsule account is in one sense misleading. It omits the oratory, the questioning as to the precise position of the Southern states, the voting reversals, in sum the drama of the occasion. The confusion and wrangling were the instigating cause of an Advisory Committee to survey the question in advance of the 1956 Convention.

*The Special Advisory Committee.* The proposed rules contained in the Call to the 1956 Convention were approved at a meeting of the Democratic National Committee in Chicago, November 18, 1955. They were recommended to the Democratic National

Committee in a report filed in June, 1955 by its Special Advisory Committee on Rules and Procedures for the 1956 Democratic National Convention.

The Advisory Committee was established pursuant to a resolution of the Democratic National Committee at Chicago on September 15, 1953, providing:

That the Chairman of the Democratic National Committee be authorized to appoint an advisory committee to study, review, and make appropriate recommendations concerning all rules governing the Democratic National Convention, including specifically, but not exclusively, the subject of the so-called or mis-called Loyalty Pledge Resolution adopted at the 1952 Convention and rules for the more expeditious handling of convention business, it being understood that the advisory committee's functions and authority are limited to the making of advisory recommendations for submission by the National Committee to the 1956 convention, and that the advisory committee will have widespread geographical representation and will be chosen from among members and non-members of the Democratic National Committee.

Formation of an advisory committee was opposed by some who believed that the matter was ticklish and best left to the deliberations of the 1956 Convention. Mr. Stephen A. Mitchell, then Chairman of the Democratic National Committee, strongly supported the formation of an advisory committee, being of the view that although there were risks and difficulties, these could be minimized and avoided by a program calling first for research and careful study of the problems, and second for consideration by men and women of good will in a composed atmosphere not easily found in Convention week.

By September of 1954, a Committee of 82 individuals from 45 states, the District of Columbia, and Puerto Rico, had accepted appointment to the Advisory Committee. The membership consists of individuals who had served upon the Credentials and Rules Committees of the 1952 Democratic National Convention, or had otherwise taken part in the controversy concerning the so-called "loyalty oath," and other individuals of special competence and experience in the

conduct of political conventions, who were regarded as representative of membership of the Democratic party in various parts of the nation.

At an organization meeting in Indianapolis on September 18, 1954, Mr. Mitchell was elected Chairman of the Advisory Committee. At his suggestion, the Honorable John S. Battle, former Governor of Virginia, and Senator Hubert H. Humphrey, of Minnesota, were named Vice-Chairmen. The representative span symbolized by these Vice-Chairmen was an eloquent indication of the broad approach of the Advisory Committee. Whatever differences Governor Battle and Senator Humphrey may or may not have on specific issues of platform or policy, their respect for each other and their belief in the importance of the work of the Advisory Committee were of greatest benefit to the Committee.

Mr. Mitchell brought to the work of the Advisory Committee the qualities of drive and constructive planning that distinguished his tenure as Chairman of the Democratic National Committee.

A number of advisers, including officers and staff of the Democratic National Committee, assisted the Advisory Committee in its work.

The Advisory Committee was an active one. Its meetings were held at the same time as regional meetings of the Democratic National Committee, occasions attracting interest and good attendance. At a spirited meeting in New Orleans on December 3, 1954, when over fifty members were present, agreement in principle was reached on a number of points, and the officers and staff were requested to undertake certain further research and drafting. At a meeting in Washington on April 16, 1955, also well attended, the draft rules were discussed, revised, and approved.

The undersigned, as General Counsel of the Democratic National Committee, and as Counsel of the Advisory Committee, was charged with responsibilities of draftsmanship, and with preparation of certain memoranda for the Committee. In a political science journal it is certainly appropriate to note the debt owed by the Advisory Com-

mittee to Dr. Abraham Holtzman, who was in charge of research.

The Advisory Committee considered not only questions of "loyalty" but also questions of Convention and pre-Convention procedure, which are not presented here.

The deliberations and report of the Advisory Committee confirm once again that the practical art of politics can make good use of the techniques and skills of political science.—HAROLD LEVENTHAL.

*Editor's Note:* The following three memoranda submitted to the Advisory Committee were transmitted to the Democratic National Committee and circulated among officials of the Democratic party. They are out of print and not easily obtainable. It is believed that they will be of interest to the readers of the REVIEW and they are accordingly reprinted here.

(Appendix A, a proposed Call, is substantially the Call adopted by the Democratic National Committee and is not reprinted here.)

March 7, 1955

# I. MEMORANDUM

*To:* Members of Special Advisory Committee on Rules of the 1956 Democratic National Convention.

*From:* Stephen A. Mitchell, Chairman; John S. Battle and Hubert H. Humphrey, Vice Chairmen.

*Subject:* Proposed Resolutions Clarifying Responsibilities of State Party and National Committeemen in Regard to Convention Nominees, and Disclaiming Special Oaths for Convention Delegates in Absences of Credentials Test.

1. Following the New Orleans meeting, and pursuant to suggestion at that meeting, we transmit this memorandum and the enclosures as specific proposal for consideration by the Special Advisory Committee at its next meeting.

2. We recommend that this Special Advisory Committee, in its report to the Democratic National Committee, recommend that the National Committee's Call to the next convention follow the form of the Call in Appendix A, and that the National Committee propose the resolutions set forth in Ap-

pendix A for passage at the 1956 Convention.

3. The Democratic National Committee has the authority to give notice in the Call it issues for the Convention of a proposal to be submitted to the Convention for a change in the Convention's rules. (This "notice" could also be in an Annex to the Call, or in a separate communication issued at the same time.) In this connection we may note the procedure followed in 1936 when the two-thirds rule was abolished. Mr. Bennett Champ Clark, as chairman of the Committee on Rules and Order of Business, in his report recommending the change, stated that the matter was referred to in the Call of the National Committee for the holding of the Convention (1936 Proceedings, p. 189).

4. The principal elements of the proposal in Appendix A are:

(a) There is made explicit the good faith assumption underlying a state party's sending delegates to the Democratic National Convention, that it undertakes to assure that the nominees of the Convention will appear on the ballot as the nominees of the Democratic Party.

This undertaking does not constitute a warranty or commitment by any one as to his personal action or support. His conscience may require him to decide to support the opposition candidates; there is no attempt to consider here what would be the consequences of such activity. However, good faith requires that voters be able, if *they* choose, to vote for the nominees of the Democratic National Convention.

(b) No written or special oaths shall be demanded of Convention delegates in the absence of credentials contests.

In the case of challenge or contest, such oaths or commitments may be appropriate. As a general requirement such "test oaths" are not necessary, and they are repugnant and offensive to many sincere Democrats who have long given to the Democratic Party their support, their energies, their loyalty, and indeed their love.

(c) The National Committeeman has an affirmative duty to support the nominees of the Convention. If he fails to discharge that duty, his seat may be declared vacant.

The National Committeeman is not only a member of the state party. He is also a member of a national organization, the Democratic National Committee. As such it is part of his duties to support affirmatively the national ticket. In case of "misfeasance," by his sup-

port of the opposition ticket, there would be cause for expulsion. In case of "nonfeasance," failure to declare for and support the Democratic national ticket, his seat may be declared vacant. That course has been adopted by the Democratic Party in the past and is the current rule of the Republican Party.

5. There are also attached hereto two detailed staff memoranda:

Appendix B:—Vacating Seat of National Committeeman Who Does Not Support the National Ticket.

Appendix C:—Background Material Relating to Responsibility of State Party Participating in National Convention; Eligibility and Responsibility of Delegates to National Convention and of Presidential Electors.

These memoranda are transmitted in deference to the wishes of many members of the Special Advisory Committee who expressed a desire for a more comprehensive background of salient elements of the problems discussed.

6. Appendix B provides background for the recommendation proposed herein regarding the responsibilities of National Committeemen, and reviews the applicable precedents and analysis.

7. Appendix C provides material on the various state provisions regarding party loyalty and responsibility. Without reviewing that memorandum in detail, it seems to us to supply these significant facts for our consideration:

(a) The state party has in general a basic authority to regulate its affairs and membership to further its political objectives, and to prevent interference by members of the opposition party. (The complications of "open primaries," however, should be noted.)

(b) In all states there is an assumption that the state party will handle various matters relating to selection of its delegates to the Democratic National Convention, and to selection of candidates for Presidential electors who will, if elected, vote in the Electoral College for the nominees of that Convention.

(c) There is wide diversity among the states in pertinent matters. Different mechanics are provided: The selection may be by convention, state committee, primaries, etc. The methods may or may not be the same for Convention delegates and Presidential electors. The extent of legislative control over the operations of political parties varies from state to state. But in every state there is considerable residual authority in the state party, and to a substantial degree in the state executive

committee, at least in customary operations.

8. The Democratic Party has federal attributes. It is a confederation of state parties. The basic requirement of assuring a place on the ballot for the national ticket selected by the Democratic National Convention is properly the function of the state party which participated in that convention. Explicit recognition of that responsibility—in good faith—is appropriate at this time.

9. We have not recommended any enactment of state legislation. Such a course would raise technical complications, due to the wide diversity of practice and procedure. And it would be unnecessary. Political parties must rest in great part upon assumption of good faith cooperation.

10. Where there are contests over delegates to the National Convention, the question arises, which group truly represents the Democratic Party of and in the state. Determination of these contests is a major responsibility of the Convention. A separate memorandum recommends a procedural innovation for advance consideration of pertinent issues prior to the Convention. But in determining these contests the Credentials Committee and the Convention may properly examine and require assurances of the conflicting delegations.

We recommend for your favorable consideration the proposals set forth in Appendix A. Respectfully submitted,

STEPHEN A. MITCHELL, *Chairman*

JOHN S. BATTLE AND

HUBERT H. HUMPHREY, *Vice Chairmen*

\* \* \* \*

March 2, 1955

## APPENDIX B

### MEMORANDUM

To: Stephen A. Mitchell, Chairman, Advisory Committee on 1956 Democratic National Convention Rules and Procedures.

From: Harold Leventhal, Counsel.

Subject: Vacating Seat of National Committeeman Who Does Not Support the National Ticket.

This is a memorandum to set forth some background information concerning the problem of the National Committeeman who fails to support the National ticket during the campaign.

### *A. General Precedents of Expulsion or Exclusion of National Committeeman*

The Democratic Manual for the Democratic National Convention, prepared by Congressman Cannon in 1952, contains the following, among the duties and powers of the Democratic National Committee: "11. The National Committee is empowered to expel members for cause and has exercised this prerogative, as in 1896 when it expunged from its rolls the names of members actively opposing the election of the presidential nominee. (In 1896 the Committee struck from its rolls the name of a Pennsylvania committeeman who aggressively supported John N. Palmer, the 'gold-Democrat' candidate for President.)"

The records of the Democratic National Committee also reveal that on August 24, 1949, the Committee adopted the report of its Credentials Committee of August 23rd, that the names of certain members of the Committee from Alabama, Louisiana, Mississippi and South Carolina, be "expunged from the rolls" and vacancies declared under the above quoted Rule 11. The members involved were those who had supported Strom Thurmond rather than Harry Truman as candidate for President in 1948.

In each case there was some discussion as to the extent of the authority of the Democratic National Committee in the matter. Normally every body has the right to determine its membership. A problem arises in the case of the Democratic National Committee only because the members are confirmed as members of the Committee by the Democratic National Convention, which is a superior body. But the conclusion has been maintained that the Democratic National Committee is necessarily the agency to exercise the power which would have been exercised by the Convention if in session. Therefore, it possesses the final ability to expel a member for cause.

A historian, reviewing the action of the National Committee following the 1896 campaign, commented:<sup>1</sup> "(The) National Committee must have the power to protect the party from enemies within its councils, other-

<sup>1</sup> See James Albert Woodburn, *Political Parties and Party Problems in the United States* (1944), p. 300. Mr. Woodburn states that the places of both Mr. Cochrane (Massachusetts) and Mr. Harrity (Pennsylvania), who were out of sympathy with the purpose of the party in the 1896 campaign, were declared vacant by the National Committee. Apparently only Mr. Harrity contested the seat of his successor, Mr. J. M. Guffey, who was designated by a state convention.

wise local conditions might cause men to be seated in the executive councils who were traitors to the platforms and candidates approved by the party." Another political science text expressed approval of the action then taken: "There is another question affecting the membership of the Committee that might assume importance in a time of bitter factional conflict within the Party. A defeated faction might refuse to support the Presidential candidate and the platform, and the members of the National Committee belonging to that faction might give aid and comfort to the enemy. In such a case, with or without specific authority, the Committee would be justified in taking drastic action: self-preservation is a fundamental right."<sup>2</sup>

Some discussion of the Committee's expulsion power appeared in the National Committee meeting of January 8, 1912, found in transcript of 1912 Proceedings at page 435 and following. Mr. Thomas N. Browne of Vermont stated: "If the authority given by the Democratic National Convention is improperly used, and the individual elected, after he becomes a member of this body, proves that he is not a Democrat, or brings social obloquy or infamy upon the Party, then some representative of the Democratic Party ought to have power to protect it, and that representative would be this body; but it would be after that gentleman had had an opportunity before the Committee to show that he ought not to be expelled from a body to which he had been legally elected. If after becoming a member of this Committee, his acts are so flagrant as to be a disgrace to this Committee, that [sic] the Committee has the right to protect itself."

Curiously enough, Mr. Browne used the power of the Committee to expel members as a reason for holding that the Committee did not have the power to exclude members, i.e., members selected by a state committee to fill a vacancy and hence that the action of the State Committee is conclusive.

Mr. William Jennings Bryan cogently defended the right of Democratic National Committee to review the fitness of proposed National Committeemen, even if armed with proper credentials from the State Committee, in terms of the authority of the National Committee, in an exceptional case, like the power of the Convention itself, to reject the credentials of someone who should not properly be

allowed to sit as National Committeeman. Mr. Bryan stated (transcript of National Committee meeting of January 8, 1912, pages 442-443): "They are discussing in the Senate at this time the right of a Senator to his seat. Does everybody question that he comes as the representative of the State with regular credentials? Not at all. Yet the Senate is discussing his right to be a member of the Senate. The Senate will decide, without any member contesting his place, whether he has a right to a seat there. Everybody had a right to decide these questions. The people of Alabama, to illustrate, might have sent to this Committee a man whom it would be improper for the Committee to allow to sit here; something might have occurred after the man was appointed which would make it improper for us to receive him. I insist that this Committee is not compelled to accept the man without the right to consider."

The practice of the National Committee over the past forty years—perhaps longer—has been in accordance with the principles stated by Mr. Bryan (although he was overruled on his point of order at the 1912 meeting). The Democratic National Committee refers all new proposed members to its Credentials Committee, and the designations of the State Committees (to fill vacancies) do not become effective until the person is confirmed by the Democratic National Committee as a member of that Committee.

*Procedure.* In 1898 when Mr. Harrity was expelled, the vote was taken by the Chairman upon a mail poll of the members. (*New York Times*, June 7, 1898.) Mr. Harrity, in a letter of March 28, 1898, to Chairman (Senator) James K. Jones, wrote:<sup>3</sup> "I have always believed that the question could have been more intelligently considered at a meeting of the Committee. I have, however, not hesitated to acquiesce in your plan of submitting the question and taking a vote by mail, of the members of the Committee."

In 1949, the committeemen involved were given an opportunity to appear personally and defend themselves.

#### B. Recognition of Problem of Failure of National Committeeman to Support National Ticket

Apparently the only circumstances which have resulted in formal action by the Com-

<sup>2</sup> Howard N. Penniman, *Salt's American Parties and Elections*, p. 317.

<sup>3</sup> See "Pennsylvania Member of National Democratic Committee—Answer of Harrity," Library of Congress, Catalogue No. JK 2317, 1898A.

mittee to date have been the cases of National Committeemen who were actively engaged in supporting the opposing candidate.

The clearest ground for expulsion comes in the case of a committeeman who actively declares for the opposition candidate.

What about a committeeman who does not actively declare for the opposition candidate, but also does not definitely state his support of the National ticket selected by the Convention?

There are precedents in both the Democratic Party and the Republican Party that such failure to support the national candidates is ground for declaring a vacancy to exist.

This reflects an awareness of the fact that the National Committeeman may stop short of active opposition to the Democratic candidate and still do harm to the ticket by virtue of his antipathy reflected in a refusal to endorse the candidate.

Moreover, non-support means a failure of the Committeeman to undertake and discharge his responsibilities. The Democratic Party may be jeopardized by sins of omission as well as commission.

*Duties of National Committeeman.* The Democratic Manual of 1952 prepared by Congressman Cannon sets forth the duties and powers of the Committee as follows: "The duties and powers of the National Committee are derived from the Convention creating it and while subject to variation as the Convention may provide, ordinarily include: 1. *Control and direction of the national campaign.* 2. Creation of committees deemed necessary to the proper prosecution of its work (1940-247). 3. Election or appointment of additional officers or committees (1932-363; 1948-423), who may or may not be members of the National Committee. (Conversely, the Committee would have power to remove at will any officer appointed under authority granted by the Convention.) 4. Adjudication of contests for membership on the National Committee (1932-371, 612; 1944-382, 395). 5. Maintenance of national headquarters at Washington and in the Convention city during the sessions of the Convention, supplying information, enlisting Party cooperation, carrying out Party mandates and contributing to fulfillment of Party pledges. 6. Maintenance of press, radio and television service, speakers' bureaus, club and organization supervision, supplying literature, speakers, organizers, and Party representatives. 7. Financing of Convention and campaign expenses and supervision of related

expenditures (1944-325, 362). 8. Provision for the National Convention. . . . (f) Designation of temporary officers, subject to the approval of the Convention, including the Temporary Chairman, who sounds the keynote of the campaign (1944-15). 9. Filling of vacancies on the national ticket occurring by reason of death, declination, or resignation of any nominee of the Convention (1936-302; 1940-196; 1948-225). (Benjamin Fitzpatrick, of Alabama, nominated for Vice President in 1860, declined the nomination and the place on the ticket was filled by the National Committee.) 10. (Refers to Committee function of making recommendations to the Convention.) 11. (Quoted in foregoing part of this Memorandum.)

The functions of the members of the Democratic National Committee include the furtherance of the campaign of the National ticket, and the responsibility for helping to assure election of the Presidential and Vice Presidential nominees, including the choice of a substitute when necessary.

*Democratic National Committee Rule of 1896.* The issue whether a National Committeeman could be removed for failure to support the National ticket was to some extent involved in the case of Mr. Harry and the 1896 campaign. Harry stated in his own defense that he believed in the gold standard principles of Palmer but did not actively support Palmer for President. However, Mr. Harry did not contend that he had supported Mr. Bryan and the Committee had knowledge of an incident in Philadelphia where Harry refused to sit on the platform at a meeting where William Jennings Bryan spoke, and indeed even refused to attend the meeting. This incident is referred to in a letter from Mr. W. H. Thompson, National Committeeman from Nebraska, to Senator Jones, Chairman of the Democratic National Committee. That letter is not in the files of the Committee, but a copy of it was sent to William Jennings Bryan, and appears in the Bryan papers in the Library of Congress.

Thompson's letter refers to a "resolution passed by the Democratic National Committee at its meeting in New York, wherein the following resolution was passed . . . that on the failure on the part of any member of this Committee to support the candidates of the Party for President and Vice President, it should be the duty of the Campaign Committee to declare a vacancy."

After alluding to the Philadelphia incident, Mr. Thompson continued: "Now, these facts



may be known to the Campaign Committee, together with numerous other facts, in reference to what Mr. Harry did or refused to do during the Campaign and since. And I understand the resolution above quoted to be a continuing resolution and the Committee so created was created for the express purpose of deciding such questions as this . . . and I would suggest that this whole controversy be submitted to this Committee with the power to act under that resolution."

There were apparently no formal findings as to the facts and grounds on which the Democratic National Committee expelled Mr. Harry, although the case is often referred to as that of a National Committeeman who actively supported the opposition candidate.<sup>4</sup>

But the interesting point is that 60 years ago, the Democratic National Committee did pass a formal resolution that in case of failure of any member of the National Committee to support the candidates, it should be the *duty* of the Campaign Committee to declare a vacancy. It is also noteworthy that this duty was assigned to the Campaign Committee—possibly because of the anticipated necessity of prompt action during a campaign which could not await calling the entire committee.

*Republican National Committee Rule.* In 1912, the Republican Party at its national convention adopted the rule, which has been maintained at subsequent conventions, providing for declaring a vacancy in the seat of a National Committeeman who fails to support the national ticket.

The rule involved is Rule 31 of the Rules of the Republican National Committee:

"The National Committee shall, however, have power to declare vacant the seat of any member who refuses to support the nominees of the Convention which elected such National Committeeman and to fill such vacancy."

*Duty of National Committeeman to Open Campaign Office.* You have considered, for example, the desirability that each National Committeeman should be required to announce the fact that he has opened an office to assist in the conduct of the National Campaign.

There is no such requirement now applicable to a National Committeeman. It would be entirely proper for the National Committee,

<sup>4</sup> The case is so recorded in Cannon's Manual, and in Penniman, cited above. . . . Expulsion suggests an element of "misfeasance," whereas declaration of a vacancy would have a connotation of "nonfeasance."

and certainly for the Convention, to specify that the functions of the National Committeeman included such a specific responsibility.

If such an obligation were placed upon the National Committeeman, then it would be appropriate to provide that upon failure to carry out such obligation, a vacancy could be declared in the Committeeman's position. There is precedent for the Committee itself determining upon the ground of such declaration of vacancy, although this might well be determined by the Convention (as is the case in Republican Party) as part of any proposal dealing with party responsibility.

It would be entirely appropriate for the National Committee to delegate to the Chairman (or perhaps to the Executive Committee) the responsibility of deciding whether such an office has been opened. The Chairman could then be empowered to declare the seat vacant upon a finding that such office has not been opened, and was not opened within a specified period (say 3 weeks after close of the Convention; or 3 days after notification by the Chairman). The Chairman could also be authorized to appoint a temporary Committeeman to hold office as such during the campaign, but this would require Convention authorization.

On the other hand, even without Convention authorization, the Chairman could specify a person in the state to act as the Committee's representative or liaison, in regard to the campaign.

### *C. National Committeeman's Membership in State Party*

The foregoing discussion has not failed to give consideration to the fact the National Committeeman is basically a member of the State Democratic Party. The Democratic Manual indicates that the National Committeeman is selected, subject to confirmation by the Convention, either (a) by State Primary, (b) by delegates to National Convention, (c) by State Convention, (d) by the action of the State Committee. (He is a representative of that Party on the National Committee, and is therefore a member of a national organization and subject to control as such by that national organization.)

The situation is fully comparable to that of the United States Senate which, for example, under the Constitution is the judge of the qualifications of its members, although the members are selected by the electorate of a State.

*Administrative Desirability of Organizing for*

*Establishment of Office.* The Committeeman's duty to organize an office would not be merely a means of indicating that he supported the national ticket. It would be useful as indicating more clearly the role of the National Committeeman.

At the Indianapolis meeting on September 18, 1954, there was distributed to the Members of the Special Advisory Committee a list of topics for study. The emphasis for that meeting was on procedural improvement, rather than on the so-called loyalty oath question. One of the subjects for discussion was as follows: Item VII, paragraph 1: "Should duty of National Committeeman to set up campaign office in his state be established?" We received some favorable comment that such an office was a desirable, tangible expression of the function of the National Committee as set forth in the first paragraph of the 1952 Manual, as including "control and direction of the National Campaign."

The nature of the office established by the National Committeeman would, of course, be dependent upon local conditions. His office might be combined with that of the State Committee. It might be in the personal business or law office, or even residence, of the National Committeeman or National Committeewoman involved. But the office would be a tangible indication of the status and function of the National Committeeman.

This memorandum is based primarily on research done in 1953 prior to the meeting in Chicago of the Democratic National Committee. Particular mention should be made of the care and energy with which Richard Haas, Esq., unearthed fugitive and stray materials, particularly 40, 50 and 60 years old.

Respectfully submitted,

HAROLD LEVENTHAL, *Counsel*

March 3, 1955

## APPENDIX C

### MEMORANDUM

*To:* Stephen A. Mitchell, Chairman; Senator Hubert H. Humphrey and Honorable John S. Battle, Vice Chairmen, Advisory Committee on 1956 Democratic National Convention Rules and Procedures.

*From:* Harold Leventhal, Counsel.

*Subject:* Background Material Relating to Responsibility of State Party Participating in National Convention; Eligibility and Re-

sponsibility of Delegates to National Convention and of Presidential Electors.

### A. Introduction

This is a memorandum to set forth certain background concerning state laws and state party regulations and practices which may be useful to the Committee in consideration of the subject of the so-called and mis-called "loyalty oath" which arose during the 1952 Democratic National Convention.

This memorandum is prepared for purposes of transmittal to the members of the Advisory Committee and it therefore does not set forth the details of our researches.

In general we have tried to focus our attention on three principal subjects:

(a) In general, who are the members of the Democratic Party in the state who are entitled to participate in the decisions of the state party?

(b) What special problems or features are involved in the selection of the men and women to the party office of delegates to the National Convention?

(c) What special problems or features are involved in the selection and functions of the party's candidates for the position of Presidential elector?

We have had reference to various materials. First, there are formal materials, such as state laws. Second, are materials and memoranda previously prepared on certain phases of these subjects by the Secretary of the Senate, the Library of Congress and the American Political Science Association.

Special mention should be made of the materials in letters addressed to you by State Attorney Generals, and other informed persons in each state. For convenience, there is set forth in the Appendix a copy of your letter of inquiry to these persons. We have had responses from a substantial majority of the states. (Certain Republican Attorney Generals did indicate that they could not provide the information requested; yet even among the Republican officials, more cooperated than not.) In general an earnest effort was made to supply us the material.

The writer desires at this juncture to express his appreciation to the members of the staff who assisted in the appraisal of this material, Dr. Abraham Holtzman, Gillis Long, Associate Counsel, and Robert Bock.

There may be errors or alleged errors in the material—due to mistakes, or possibly due to differences of interpretation or to changes,

this subject being in a state of flux. For such errors we beg the indulgence of members from the states involved. We have confidence, however, that the general picture is portrayed with general accuracy.

### B. Membership in the Party

The first line of inquiry is who is a member of a party, specifically the Democratic Party? Who is entitled to participate in its affairs?

Some general preliminary observations may be helpful. A political party is in its essence based upon the constitutional rights of citizens embraced in the freedoms of assembly, freedom of speech and press. Citizens are accordingly free to organize themselves, and to engage in political discussion of men and measures, so as to impress their views upon the electorate. See *Bowe v. Secretary of Commonwealth*, 320 Mass. 230, 251-3, 69 N.E. 2d 115, 130-1 (1946).

The members of a party have a corresponding right to determine and to control its membership, if for no other reason than to protect the party against "raiding," against the conduct of those who spuriously profess to be members of the party and intervene in its affairs solely to embarrass or destroy the party.

The foundation and justification for statutes and regulations prescribing tests of party membership is clear. To quote from one writer in the field: " \* \* the general right to prescribe tests that will presumably protect the party against those who have no genuine interest in its welfare has been thoroughly recognized in numerous judicial decisions, the underlying basis of which was well stated in this striking sentence: 'A man has a constitutional right not to be a partisan, but he has no constitutional right as a non-partisan to participate in partisan proceedings.'"<sup>8</sup>

These general observations are not lessened in validity in any way by the fact that certain parties have been held subject to Constitutional limitations and prohibitions in regard to efforts to limit membership to white persons. *Smith v. Allwright*, 321 U.S. 649 (1944) (Convention Resolution of Democratic Party of Texas); *Terry v. Adams*, 345 U.S. 461 (1953) (Jaybird Democratic Association); *Baskin v. Brown*, 174 F. 2d 391 (C.A. 4th Cir.) (Democratic Clubs of South Carolina).

Those courts rejected the contention that the state parties were purely voluntary or-

ganizations, like golf clubs, of persons entitled under the Constitution to determine in their absolute discretion their own membership and state their political beliefs. The courts in effect held that where a state party has such broad authority—including virtually the determination of the nominees appearing on the general ballot—it partakes of the character of an agency of the state government where violation of Constitutional rights is involved.

However, there is obviously no constitutional problem in excluding a person from party membership on the ground that his political actions in the past, opinions in the present, or proposals for the future, are contrary to the views held by others in the party. That is a familiar and sound limitation on a man's freedom of political association.

The concrete significance of party membership depends upon the state involved. Party membership may be a requirement to participation in caucuses, election of political committees, signing nominating petitions, voting in primaries, eligibility as party's nominee for office, etc.

*Open Primaries.* Before discussing the party membership, it should be recognized at the outset that in the few states where the "open primary" system prevails such tests are non-existent in determining eligibility for the important task of selecting the party nominees for office.

Thus Mr. Don Eastvold, Attorney General (Republican) of Washington writes us: "We have what is known as the blanket primary, and it, frankly, has deteriorated party responsibility substantially."

The blanket ballot carries the "secret ballot" attributes of an open primary to its logical extreme. Instead of receiving a sheaf of primary ballots, and marking one of them, all voters receive the same blanket ballot, with the names of all proposed nominees of both parties.

It should be noted that Washington has a blanket primary, but it is a state convention which chooses delegates to the National Convention. The State of Wisconsin chooses delegates to the National Convention in a preferential Presidential primary which is conducted as an open primary.

*Range of Party Tests.* Where there are party "tests," they may consist solely of a simple declaration of party affiliation ("present affiliation"), or may include more elaborate oaths or declarations of past votes or actions ("past allegiance" tests), or intentions as to

<sup>8</sup> Berdahl, "Party Membership in the United States," 36 Am. Pol. Sci. Rev. (Feb.-April 1942).

voting in the future ("future intention" tests). Or there may be combinations of two or more tests.

The state statutes may provide simply for presenting objections at the primary election to a person's avowed status. Many states have party registration or enrollment, and this provides a means for testing party regularity and guarding against raiding.

*Present Affiliation and Party Enrollment.*

A large group of states have, in effect, a party test of present declaration or oath of party affiliation—either at the primary election polls, or at an advance registration or enrollment. In some states both methods are used—advance registration in large communities (in Nebraska, cities of over 7,000), and simple declaration at the primary in the smaller communities.

In some states, indeed, the declaration is apparently implied from the person's action in asking for the ballot of a particular party, e.g., North Dakota, Vermont. The response from a political leader in Vermont states the opinion that this procedure is virtually an open primary since no record is kept of the ballot demanded. It is reported,<sup>6</sup> however, that in 1952 many Minnesota voters were outraged to learn that the new Presidential primary, unlike the regular primary, was not an open primary and they were required to specify the ballot desired; particularly in smaller communities many voters declined to vote in the primary.

A more commonplace situation is the declaration of party enrollment which is permissible, but not compulsory, in conjunction with registration. Examples at random are Louisiana, Maryland, Wyoming, etc. (We may for present purposes omit non-party registration, as e.g., in Rhode Island, where the Permanent Registration Act does not make provision for registration of party preference.)

Party enrollment does amount to more than a mere declaration of present status. First, the requirement of advance registration automatically ensures at least a short period of party identification in advance of the primary. Second, the formal party registration is considered, and by some writers even objected to, as constituting for most voters a "much more solemn and binding method than that of mere verbal declaration at the polls."<sup>7</sup>

<sup>6</sup> See "Minnesota" chapter, *Presidential Nominating Politics in 1952*, prepared by David, Moos, & Goldman (prepared under the auspices of The American Political Science Association, with the cooperation of the Brookings Institution).

<sup>7</sup> Berdahl, cited above.

Thus certain states which have no time period, or only a short one, as a prerequisite for participation in a primary for persons registering originally, prescribe a six-month waiting period for any one changing his party affiliation.

This is provided, e.g., in Louisiana, Maine, and Maryland (general provisions for counties other than three specified, populous counties).

In contrast, under Texas law which establishes a "present affiliation" test without party registration, the statute expressly provides that a person may not be a participating member of more than one party *on the same day*.

Party enrollment under declaration of present affiliation may be used as a general test, but subject to requirement of more specific oath upon challenge (as in Florida and Maine, discussed below).

But in other states, such as California and Maryland, the enrollment of party affiliations is the only test provided by law. In California, indeed, a court opinion declares that registration is the "best and only test of party affiliation." *Heney v. Jordan*, 179 Cal. 24, 175 Pac. 402.

*Tests of Past Allegiance and/or Future Intention—State Statutes.* As already indicated there is a variety of tests of "past allegiance," "future intention," and combinations thereof, including combinations together with declarations of present affiliation.

First we refer to the tests specified in state legislation. The following is a sample of the statutes:

(a) *Pledge on Primary Ballot.* Various state statutes contain a pledge at the bottom of the primary election ballot, whereby the voter will, in the words of the Alabama law, "pledge myself to abide by the results of the primary election and to aid and support all the nominees thereof in the ensuing general election." Similar pledges are contained in the statutes of, e.g., Louisiana, Texas ("Pledge myself to support the nominees of this primary").

The same pledges, when required of candidates for nomination, amount of course to an agreement to abide by the primary.

(b) *Declaration Upon Party Enrollment.* In New York, the person enrolls with a party, at the time of registration or upon application to the Board of Election. In cities requiring annual personal registration, the voter must enroll anew each time he registers. The enrollment blank contains the declaration that "I am in general sympathy with the principle of

the party . . . and that it is my intention to support generally at the next election, state or national, the nominees of such Party for state, or national offices."

(c) *Oaths Required in Event of Challenge.* In various states the statute specifies oaths, or declarations, which must be taken or made in the event of challenge of the right to participate in the primary.

In some states the party enrollment by declaration at time of registration is sufficient for eligibility to vote in the primary unless the vote is challenged, in which event he must take the statutory oath (e.g., Florida, Maine).

The oaths, affirmations and declarations required by state law of voters who are challenged at the primary election include the following:

FLORIDA—Oath that at the last preceding general election, if he voted, he voted for a majority of the nominees of the party.

KENTUCKY—Voter swears to support the principles of the party and vote for its nominees at coming regular election, that he was affiliated with such party, and that he supported its nominees at last regular election.

MAINE—Oath that he intends to vote for the candidates of the party at the next election and that he has not taken part in the caucus of any other political party within the past six months.

MISSOURI—Voter must either be known to affiliate with the political party or must "obligate himself to support the nominees of said party at the following election."

MONTANA—Oath that he has been and is identified with the party and it is his intention to act with the party, and identify self with party at ensuing election.

OHIO—Voter claims membership and affiliation with party and if challenged swears that he voted for a majority of the candidates of the party at the next preceding regular state election at which he voted, or that he has not voted at a previous regular state election.

OKLAHOMA—Statute provides that a voter challenged at a primary election must swear "that he is a member of, and does affiliate with the political party" involved. A 1922 opinion of the Attorney General rules that an elector may be required to take oath that he does "now in good faith intend to support the principles of that party and the candidate nominated by it at the primaries now being held." (Apparently, however, the challenge goes to basic good faith, as when the voter is notoriously a member of another party. Other opinions of the Attorney

General rule that an elector registered as a Democrat is not disqualified from voting in the Democratic primary although he intends to vote for a Republican in general election, or intends to vote for non-partisan candidate in general city election.)

VIRGINIA—Upon challenge, voter in primary must declare that he supported the nominees of the party in the last general election in which he participated. If he never voted before, that he will support such nominees in the next ensuing election. (NOTE: Brookings Institution study, *Presidential Nominating Politics* in 1952, reveals that Attorney General of Virginia has repeatedly held that presidential electors are not considered nominees, for purposes of related party regulation.)

*Tests of Past Allegiance and/or Future Intention—State Party Regulations.* In addition to the tests provided by state laws, there are tests provided by state party regulations or resolutions. The following are illustrative:

ALABAMA—In addition to the pledge required by state law, set forth above, the state committee included in 1952 an additional pledge in the spring primary "to aid and support the nominee of the National Convention of the Democratic Party for President and Vice President of the United States." A similar pledge was required of all candidates and was upheld by the Supreme Court, as to candidates for Presidential elector, in *Ray v. Blair*, 72 Sup. Ct. 654 (1952).

ARKANSAS—Party regulations deny right to vote in Democratic primary election to any one who (a) has not openly declared his allegiance to the principle of the Democratic Party, etc., (b) has at the last preceding general election voted against any Democratic nominee, or voted for or espoused the cause of any candidate for office who was not a Democratic nominee, (c) will not pledge himself to vote for and support at the ensuing general election the candidate of the Democratic Party for all offices nominated in the Democratic primary election in which he is voting.

GEORGIA—To vote in Democratic primary, voter must pledge to support in general election all candidates nominated by Democratic Party of Georgia in primary or in any run-off.

### C. *Delegates to National Convention*

*Mode of Selection.* The Democratic Manual for the 1952 Democratic National Convention prepared by Clarence Cannon notes (p. 17) that delegates to the National Convention are selected, pursuant to statute or custom: (a)

By primary—in 14 states and the District of Columbia; (b) By State Convention—in 34 states and territories; (c) By State Committee—in 5 states.

*Eligibility and Requirements.* In general, the state statutes and party regulations do not prescribe any tests or requirements for delegates to the National Convention other than those applicable to persons voting in the primary, already discussed above.

In addition, of course, men and women are not likely to emerge as convention delegates by action of the Committee or convention unless they are proven, loyal party workers, and not passive voters.

In states using the primary system, there may be an additional candidate's pledge to vote for the nominees of the Party, a pledge which generally specifies the obligation to abide by the results of the primary.

There are some special requirements for Convention delegates. In Florida (a primary state) delegates to the Convention must not only declare that they voted for a majority of the nominees of the party in the last general election (as all members of the Party must be prepared to swear), but in addition they must, like all candidates for nomination to office, pledge themselves to vote for a majority of the nominees of the party at the next general election.

In South Dakota (a primary state) the declaration of candidate which would govern the Convention delegate is a declaration that the candidate "intends to vote the ticket of that party at the primary election \* \* \* and at the general election in November, and agree to abide by the results of the primary election in regard to any candidacy."

There are a few states where the delegates to the Convention are expressly pledged to support the nominees of the National Convention:

**ALABAMA**—Pledge required by Democratic State Committee of all candidates for office, including Convention delegates. (Discussed above.)

**MINNESOTA AND WISCONSIN**—By statute, every candidate for delegate to National Convention must file affidavit that he is affiliated with the political party whose nomination he seeks, and that he intends to vote at the ensuing election for the nominee for president of that political party.

*Good Faith Participation in Convention.* There is a basic understanding of good faith regarding the participation by a delegate in the affairs of a convention. The most noted ruling

on this point appears in Cannon's *Democratic Manual*, 1952, p. 33, as follows:

"A delegate announcing he would not abide by the decision of the Convention was held not entitled to participate in its deliberations (1864-33)."

In the 1864 Convention, a Maryland delegate protested against the candidacy of General McClellan if the latter was chosen the nominee for the Presidency by the Democratic National Committee. An objection was raised that if a delegate publicly declared he would not vote for the convention's nominee, he was not fit to be a member of the Convention.

The Chairman ruled: "... those who will not submit to the decision of the convention have no right to take part in its proceedings."

This memorandum does not consider any part of the question as to the extent to which delegates are bound at the National Convention, by previous pledges, preferences and commitments, to support particular nominees. There are different degrees to which a delegate may feel bound to support the winner of a Presidential primary, etc. But such "commitment" of course does not survive the life of the Convention.

#### *D. Presidential Electors*

*Mode of Selection.* In the majority of states, candidates for Presidential electors are selected at state conventions. For the most part these are conventions held prior to the National Convention, and indeed may select both delegates to the National Convention and the names of the Presidential electors at the same time. In some states, however, these state conventions are held after the national convention (e.g., Nebraska, New Hampshire, Ohio, Vermont). And in some states procedures have been established to permit modifying action by the state convention upon the completion of the national convention (e.g., Virginia, Texas).

The primary method and selections by state committees are the method used in most of the

\* At the meeting of the Credentials Committee of the Democratic National Convention on July 22, 1952, Mr. Pyle of Mississippi referred to the following precedent as adopted in 1848. (Tr. p. 22): "The Credentials Committee adopted a resolution that it would not proceed to the investigation of the claims of the contesting delegations from the State of New York to a seat in the convention until the respective claimants would agree that they would abide by the decisions of the convention and support its nominees; whether the decision of the convention be in favor or against the claims of such claimants. And the Utica and Herkimer delegates, as they are called, having refused to enter into such agreement, the Committee agrees that the other delegates are entitled to seats in the convention."

other states for designation of candidates for Presidential electors.

In Pennsylvania the law provides that the presidential nominee of each party shall nominate the candidates for Presidential elector.

In Virginia by 1948 statute if the state convention instructs the candidates to vote in the Electoral College for someone other than the nominees of the national convention, a national representative of the party may certify the electors of that party. However, it is not entirely clear how the Virginia statute could or would operate. First there is the problem as to who is duly authorized to act as a National representative of the party.<sup>9</sup> Moreover the certification of alternate candidates must be made 60 days before the national election. But suppose the state convention rejects the nominee of the national convention only 60 days before the national election? Or even 65 days—taking into account the practical time problems in finding candidates with necessary technical qualifications.

*Responsibility of State Party in Choice of Electors.* The basic framework concerning the selection of electors is a good faith assumption that a state party affiliated with a national party will choose electors who will vote for the nominees of the national convention. Apart from the few statutes which purport to assure expressly that the electors will vote for the nominees of the national convention, the assurance in fact is obtained by the workings of the state party.

Where electors are selected by Convention or Committee, trustworthy men are presumably chosen. The position is often a prerequisite of mark of honor. And even in the handful of states when electors are selected in primaries, the responses to our inquiries reveal that it is generally the state committee which determines by its influence what names will be placed on the ballot.

*Moral Commitment of Electors.* As a matter of theory electors have discretion to vote for the person of their choice. This legal power would probably remain in effect regardless of any pledges given by the elector involved. But under the party system it would be a gross breach of political morality for electors to vote for any candidate other than the candidate

obviously intended by the voting public. The party system remains a matter of practice and good faith.

The extent to which party practice is in fact the governing determination today is indicated by the fact that in half the states the electors are not even on the ballot, and the ballot contains only presidential and vice presidential nominees. In most of the remaining states, the ballot contains the names of both the nominees and the electors. Only in a few states does the ballot contain merely the names of the electors.

*Statutory Declaration or Commitment.* We have found only a handful of states which have any special requirement or commitment demanded of candidates for presidential elector. It appears that pledges, statutory declarations are used to reenforce the moral ties which bind the elector to vote for the party nominees, in Alabama, California, Florida, Mississippi, Oregon, Virginia and South Dakota.

There is a recognition of the elector's moral obligation in the laws of Massachusetts, New Jersey and New York, although no specific pledges are provided.

*Validity of Pledge Required of Electors.* There has been a Supreme Court adjudication concerning the resolution adopted by the State Democratic Executive Committee of Alabama, on January 26, 1952, requiring candidates in its primary to sign a pledge, printed on the primary ballot, reading as follows: "By casting this ballot I do pledge myself to abide by the result of this Primary Election and to aid and support all the nominees thereof in the ensuing General Elections. I do further pledge myself to aid and support the nominees of the National Convention of the Democratic Party for President and Vice President of the United States."

In *Ray v. Blair*, 343, U.S. 214, 72 Sup. Ct. 654 (1952), reversing the Supreme Court of Alabama's decision reported in 57 So. (2d) 826, the Supreme Court, in an opinion by Mr. Justice Reed, held: (a) It was proper for the state party to attempt to determine in advance that its electors would vote for the nominees of the national party convention to which the state party sent delegates. (b) A state political party, "affiliated with a national party through acceptance of the national call to send state delegates to the national convention, (may decline) to accept persons as candidates who refuse to agree to abide by the party's requirement." (72 Sup. Ct. at 659.) (c) The commitment demanded of the electors in no way violated the spirit of the Twelfth

<sup>9</sup> Obviously the Chairman of the National Committee should have that position, but his office is not expressly stated, and if the state officials should demand proof of express authority from the National Committee—or worse, from the Convention—the statute could be made inoperative in fact.

Amendment to the Constitution, which provides the electoral system.

*Substitutions by State Committee.* Suppose one or more electoral candidates chosen at the state convention announced that he would not vote for nominees of the Democratic National Convention. It has been suggested that his name could be removed, for cause, and replaced by a substitute selected by a state executive committee which has the power of the convention during the interim between conventions. There is a possible analogy in *Browne v. Martin*, 19 So. 2d 421 (upholding action of Louisiana Committee in rescinding persons named by committee as delegates to the National Convention of 1944 when they refused to take the pledge, required by the committee, to support President Roosevelt). But when the candidate's announcement comes too late to permit of a substitution within the statutory period, there is probably no recourse except upon the basis of honor, to request that the individual resign and permit the operation of replacement methods provided by statute.

#### *E. Role of State Party Organization*

The great diversity of state statutes, rules, and practices make[s] it difficult to establish a clear chain of links between the delegate to the national convention and the candidate for presidential elector. They are often chosen in different ways.

The most valid generalization and observation is a quite simple one: It is the State Party which (a) chooses delegates to the national convention, (b) selects candidates for the position of elector, and (c) takes responsibility for the victory of these electoral candidates.

Generally speaking, the State Convention is considered to be the highest voice of a State political party. See *Nixon v. Condon*, 206 U.S. 73, 84 (1932).

But the matter is one of state law. The term "State Party" may refer to a convention, a committee, or a primary system, or some combination of these.

Some state statutes define a state party in terms of the assemblage of voters which cast a minimum percentage of votes at the last election.

The role of the state party is particularly significant in regard to matters of procedure. In one state after another, matters of party procedure are left by the legislatures for handling by the state party. In turn these are largely resolved in terms of "custom," although specific rules are also developed. Even where

state enactments are relatively detailed, the area committed to the state party is substantial.

The discretion of the state party, and typically of the state committee, embraces at a minimum such matters as the time and place of state conventions, which seem like details but may be crucial. In some states the statutes permit the state committee to determine whether the delegates to the National Convention shall be chosen by state convention or by primary.

A number of statutes expressly set forth the broad discretion conferred upon the parties in the management of their affairs. In other states the discretion is implied from the original breadth of discretion and the fact that state legislation does not cover the entire field of political problems. In any event a broad expanse of the matters is left to the state parties.

The state committee is an administrative entity for the state party. Between conventions it is the state committee which acts as the voice and in effect the legal representative of the state party. Certainly, the state committee is a channel of communication to the state party; i.e., notice can be sent to a state party through its state committee even as to a matter to be acted upon in a state convention. And frequently the state committee is not merely an administrative mechanism, holding operation, or channel of communication, but is also an institution of influence even where actions are taken in the primaries or by conventions.

The state statutes generally provide detailed instructions for the selection of state central or executive committees. They may be selected by the convention. Or they may be chosen in direct primary election, with say two members chosen from each state senatorial district. Or they may be the apex of a pyramid whose base is the ward or precinct committee elected in public meeting. These committees elect the next higher layer, until the state committee level is reached.

In any event the state committee serves as a channel of communications in carrying out the responsibilities of the state party in regard to those matters where the state party is not acting by and for itself, but as a part of a national party.

#### *F. Participation by State Party in National Convention*

The Federal system assigns a place to the State Governments in their own sovereignty except as to "national" affairs where the



sovereignty of the states yields to the sovereignty of the national government.

Political parties are also marked by a Federal system. In many respects the state party is sovereign and independent. But particularly in regard to national conventions and Presidential candidates, it is clear that the state party is not acting by and for itself, but as a part of a national party and, linked with all other state parties, in a national effort.

As the Supreme Court said, in *Ray v. Blair*, 72 Sup. Ct. 654, 659: "a state political party (is) affiliated with a national party through acceptance of the national call to send state delegates to the national convention. . . ."

The Court cited with approval an excerpt from *Ray v. Garner*, 57 So. 2d 824, 826: "Primarily, the pledge must be germane to party membership and party elections and, while the last clause of the pledge pertains to the national party, *the party in Alabama will be a part of it by sending delegates to participate in the national convention, the Executive Committee having ordered their election and the party thereby having signified its intention to become a member of the national party.* Therefore, it was within the competency of the Committee to adopt the resolution so binding the voters in the primary." 57 So. 2d 826. (Emphasis added.)

The Supreme Court noted that such a holding integrates the state and national party. The Court also noted with approval Cannon's Democratic Manual, including passages stating that the National Committee is the permanent agency authorized to act for the party between conventions as a creature of the National Convention and subordinate to its control and direction, that it has the duty and power to provide for the National Convention, involving: Authorization of call and determination within authority granted by the last National Convention of representation from States, Territories and Districts.

Reference may also be made to the following language from the *Opinion of the Justices*: "No one elected at the General Election as an elector could function unless he belonged to some political party which had held a National Convention and had a nominee for that office." 34 So. 2d 598.

#### G. National Committeeman

The subject of "loyalty" raises the question of the National Committeeman who advocates the election of the opposition candidate, or for that matter fails to support the nominees of

the Convention. It is clear that the national committeeman, although in one sense a representative of the party in his state, is at the same time a member of a national organization just as is a member of the United States Senate. The national committeeman is accordingly subject to removal for such actions. For convenience, this question has been made the subject of a separate memorandum.

Respectfully submitted,  
HAROLD LEVENTHAL, Counsel

#### APPENDIX

Copy of the Inquiry made by Stephen A. Mitchell, Chairman of the Advisory Committee, of Advisory Committee members, of State Attorney Generals, and other informed persons.

Dear \_\_\_\_\_

It would be very much appreciated if you could inform us, at your earliest convenience, as to the legal requirements in your State applicable to the following:

(1) What the *qualifications* are for: (a) membership in the Democratic and Republican Parties; (b) for delegates to the Democratic and Republican National Conventions; (c) for candidates for the positions of Presidential electors.

(2) How Party delegates to the National Conventions and nominees for the positions of Presidential electors are or may be selected—by primary; convention; designation by State Committee; petition, etc.

(3) What certifications or legal requirements are involved in securing a designation on the ballot that the nominees for elector would, if elected, be the electors for the Presidential nominees for the respective Democratic or Republican National Conventions?

Is there provision that this be shown on the ballot by (a) listing the names of the Convention's nominees; (b) using the words "Democratic Party" or "Republican Party"; (c) using the emblem of the Democratic Party or Republican Party?

If the State law requires any pledge or commitment of these nominees, please advise us accordingly.

We should very much appreciate your reference to the statutory provision and court decisions in your State which concern this matter.

With many thanks for your kind cooperation.

Yours sincerely,  
STEPHEN A. MITCHELL

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## FOREIGN AND COMPARATIVE GOVERNMENT

*The Origins of the British Labour Party.* BY J. H. STEWART REID. (Minneapolis, Minn.: University of Minnesota Press. 1955. Pp. 258. \$4.50.)

The rise of the Labor party is one of the most fascinating chapters of English political history. Within barely a quarter of a century the new party replaced the Liberals as one of the two major parties. Two more decades and the original home of political and economic liberalism became the classical example of the welfare state, now in its major premises accepted by the majority of the nation.

Professor Reid gives the account of the formative period of the party between 1900 and 1918. Though the story has often been told in greater detail, two things come out especially well in Reid's book: the essentially moderate and constructive policy of the parliamentary group between 1906 and 1914, and the seeds of the discords which were to split Labor in the twenties and thirties. From its beginning the Labor party contained people for whom laborism was but a "left" extension of liberalism, and the more dogmatic socialists searching for a new social organization. The book documents once again the heightened interest in political and social radicalism which gripped English society as Great Britain's economic dynamism began to slow down in the 1880's. Some form of powerful social reform movement was clearly in the offing; it was a matter of fortuitous circumstances, of the destruction of the premises of European liberalism in World War I, that its main representative was to become the socialism of labor rather than a reformed and semi-socialist Liberal party.

But the rise of a party is only a fragment of the larger problem of the tremendous transformation of English politics and society during the past 50 years. Why was doctrinal Marxism of such little attraction to the British Labor movement whose "moderation" has often been overstressed? Why did Liberalism before World War I fail to identify itself more closely with the aspirations and postulates of the working classes? And finally, how has Conservatism, still stamped with the aristocratic principle and permeated by big business,

managed to preserve its preeminent position in the country which has the highest proportion of industrial workers among its population? To answer such questions was not within the purport of Mr. Reid's book; that he hints at the answers enhances the value of his contribution.

What the reviewer misses is a more penetrating analysis of the various ideological components which entered into the Labor movement at its inception. The history of the movement cannot be simply resolved into the dichotomy of "moderation" and "extremism," or reforming pragmatism versus doctrinairism. In English socialism are found the echoes of the anti-industrialism of some of the Chartists, alongside of what is practically a socialist version of Utilitarianism in the early Fabians. What is most amazing, and to a social scientist most instructive, is how a wide variety of very often discordant ideologies and political impulses have coalesced into a single and effective political party. It is in the character and interaction of the various ideological ingredients of English socialism, rather than in a temporary though often symptomatic disagreement over a personality or a policy, that lies the main key to the future of Labor.—ADAM B. ULAM, *Harvard University.*

*The Philippine Answer to Communism.* BY ALVIN H. SCAFF. (Stanford, Cal.: Stanford University Press. 1955. Pp. ix, 165. \$4.00.)

In this book Professor Scaff presents a clear and readable explanation of the origin, development, and magnitude of the Hukbalahap revolution in the Philippines. He also gives a vivid description of an important part of the program which has been evolved by the Philippine Government to cope with the situation.

In tracing the development of the Huk movement, Professor Scaff provides information which makes possible a better understanding of occurrences and attitudes. He shows, with concrete evidence, that the Huks are not merely harmless agrarian reformers, or not even just the dislocated and disappointed remnants of guerrilla fighting forces which fought the Japanese. It is pointed out, for instance, that during World War II, while the

Huks as a guerrilla fighting force killed some 5,000 Japanese, they also liquidated some 25,000 Filipinos who were considered obstructionists to the Communist-inspired and Communist-led Huk movement. The report on the Huk leaders and on their ideas is also revealing.

The book contains a first-hand and well-documented description of that part of President Ramon Magsaysay's program which is designed to cope with the immediate problem of the Huk revolution. Involved in this part of the program is a recognition of the demand of the Huks for "Land for the landless," and the resettlement on public lands of former Huks who were willing to stop fighting. Those Huks who have continued to resist are relentlessly pursued by the army; the resettlement program is carried out in part by the army's Economic Development Corps.

While Professor Scaff has made a real contribution in portraying so well what has probably been the most successful specific approach to the problem of a Communist revolution, it is somewhat disappointing that he did not take a broader view of the whole situation and indicate how the various parts of a much larger program than the one which he described are interrelated. Such an approach would view at least the postwar Huk movement as one of the results of an underdeveloped economy, a semi-feudal economic system, and underdeveloped government services. Relatively little reference is made to these basic problems, and even less to the overall economic development program which is being fostered by the Magsaysay administration. Likewise, little attention has been given to the tremendous impact of the United States Government's foreign assistance program on the economic, social, and political developments which are now in progress in the Philippines. Significant developments are now taking place in specific fields such as agriculture, education, public health and sanitation, public administration, and industry.

Even though the resettlement program of the army's Economic Development Corps, the program the author singles out as the Philippine answer to communism, is the program that is concerned most directly with a large share of the Huk problem, it could nevertheless be pointed out that the success of this program has been dependent to a considerable extent on various parts of the larger program. For example, the Public Administration Division (and contractors in this field) of

International Cooperation Administration has provided technical assistance to the Philippine Bureau of Lands on organizational and procedural problems to the extent that the latter agency has been able to increase very materially the number of land patents issued each month. The enlarged activity on the part of the Bureau of Lands was necessary for the success of the resettlement program. Reference could be made to numerous other parts of a large program which is designed to destroy the conditions under which communism grows and to develop the conditions which are conducive to higher standards of living, stable economies, and to democratic and efficient governments. It is recognized, however, that the author was concerned with a particular aspect of the total problem, and we are all indebted to him for a highly informative contribution.—LEO C. RIETHMAYER, *University of Colorado*.

*Dos Estudios sobre la Usucapión en Derecho Administrativo.* By EDUARDO GARCÍA DE ENTERRÍA. (Madrid: Instituto de Estudios Políticos. 1955. Pp. 203.)

In these two essays, the author uses an historical approach in explaining the meaning and significance of contemporary doctrines of administrative law in Spain. His particular interest is the question of alienation of the public domain, and he analyzes in detail the origins of the practice of limiting concessions to private citizens for a period not to exceed 99 years. Such a time limit, he shows, is necessary to protect the state against the claim of "immemorial possession," according to which possession for more than 100 years is presumed to be based on legitimate title, even without documentary proof. One of the most interesting points made by the author is that the subjects of the Spanish monarch did not want the latter to sign away income producing parts of his personal realm, since this made necessary levying taxes on their properties. However, the author, active in the affairs of the present-day Spanish Council of State, rejects the pretension of some of the absolute inalienability of the public domain, arguing that such a doctrine is not necessary since by definitive practice the public lands and possessions are not accessible to private parties.—FELIX NIGRO, *Central America Public Administration School* (San José).

*World Commerce and Governments: Trends and Outlook.* By W. S. WORTINSKY AND E. S.

WOYTINSKY. (New York: The Twentieth Century Fund. 1955. Pp. lii, 907, \$10.00.)

This vast compendium of information is a companion to *World Population and Resources*, by the same authors. Together they complete a major project "jointly financed by the Rockefeller Foundation, through a grant administered by the Johns Hopkins University, and the [Twentieth Century] Fund." This volume is in three parts, "Trade," "Transportation," and "Governments." The part on governments (pp. 561-861, 879-88) contains much statistical and descriptive material, compactly presented, in six divisions: Nations and Governments (number, size, age of states, types of governments, etc.), Elections and Parliaments, Colonial Empires, Government Expenditures and Revenues, Public Debts, and International Cooperation (international organizations, U. S. foreign aid, European integration).

*Bibliographie, livres, brochures, articles de revues concernant la nationalisation, catalogués à la Bibliothèque Centrale du Ministère des Affaires Économiques (Fonds Quetelet) à la date du 1er août 1955. 2e éd.* (Bruxelles: 1955. Pp. 56.)

The bibliography of nationalization is arranged alphabetically by countries, includes mainly material since the Second World War in English, French, German, and Dutch, and is apparently based on the very useful monthly list of accessions of that library.—J.B.C.

*Commentary on the Constitution of India.* BY DURGA DAS BASU. (Calcutta: S. C. Sarkar and Sons, Ltd. 3rd ed. 2 vols. 1955. Pp. lvi, 875. Rs. 15.)

India's lengthy and complex Constitution, already several times amended, insures the frequent appearance of—and need for—volumes of this kind. Here is commentary on every article of the Indian Constitution, frequent comparison with similar articles in other constitutions, reference to Indian legal actions arising under almost every article, reference to comparable legal actions in other countries, and extensive discussion of the first four Constitution Amendment Acts.

*Land Tenure Legislation in Uttar Pradesh.* BY FRANK J. MOORE AND CONSTANCE A. FREYDIG. (Berkeley, Cal.: University of California. 1955. Pp. iii, 124. \$1.00.)

Technical, brief, and very useful monograph by an economist and a political scientist about

the policies and problems affecting land reform in one of the major provinces of India.

*Unity and Variety in Muslim Civilization.* EDITED BY GUSTAVE E. VON GRUNEBaum. (Chicago: The University of Chicago Press. 1955. Pp. xii, 385, \$6.00.)

A collection of 16 papers presented at the International Conference of Islamists at Spa, Belgium, in 1953, surveying and evaluating the important relations between the universal Muslim culture pattern and the diverse local traditions of Islamic countries.

*The Republic of Indonesia.* BY DOROTHY WOODMAN. (New York: Philosophical Library. 1955. Pp. ix, 444. \$6.00.)

A general description of the islands, their people and culture; a discussion of the struggle for independence; and a fairly detailed look at the policies and the problems of the Republic since 1950.

*The Impact of the West on Government in Thailand.* BY WALTER F. VELLA. (Berkeley, Cal.: University of California Press. 1955. Pp. i-vi, 317-410. \$1.50.)

A short study of the government of Thailand through 1952, with emphasis on the developments of the last century as a result of Western advisers, Western education, and Western pressures.

*Comparative Platforms of Japan's Major Parties.* TRANSLATED AND ARRANGED BY CECIL H. UYEHARA, MICHIO AND SHIMAKO ROYAMA, AND SHIJURO OGATA. (Medford, Mass.: The Fletcher School of Law and Diplomacy, Tufts University. 1955. Pp. v, 65.)

By excerpting from recent platforms and official statements the authors present a handy comparison of the positions of the two major Japanese parties (Social Democratic and Liberal Democratic) on a variety of issues, ranging from foreign affairs through domestic problems to intra-party organization and discipline.

*Australia: A Social and Political History.* EDITED BY GORDON GREENWOOD. (New York: Frederick A. Praeger. 1955. Pp. xii, 445. \$7.50.)

Originally projected for the 1951 Jubilee Celebrations, this social and political history by six Australian historians traces the development of that nation from 1788 to 1950.

A useful synthesis, but without striking interpretation.

*University Representation in England, 1604-1690.* BY MILLICENT BARTON REX. (New York: Barnes and Noble, Inc. 1954. Pp. 408. \$7.50.)

The first full-scale effort to deal with this almost unique system of representation, Miss Rex's detailed and scholarly study describes the introduction of the university representatives and follows their history through the 17th century. She treats her subjects as members of Parliament and not merely as representatives of universities and the result is a portrayal of parliamentary life and development under the Stuarts, written from the fresh viewpoint of a special group of MP's. Other volumes are promised to bring the account down to the abandonment of the scheme in 1948.

*Questions in the House. The History of a Unique British Institution.* BY PATRICK HOWARTH. (London: The Bodley Head. 1956. Pp. 220. 18s.)

Deals with the problem from the first question of which there is record asked in the House of Commons in 1721 to 1881, when questions were regularly made according to prescribed rules and at definite times. The author speaks from the point of view of a number of years spent in the Civil Service.—J.B.C.

*The British General Election of 1955.* BY D. E. BUTLER. (London: Macmillan and Co. Ltd.; New York: St. Martin's Press. 1955. Pp. 236. \$5.00.)

Mr. Butler and his colleagues of Nuffield College, Oxford, have produced a new volume in what has become a regular series on the general elections. This comprehensive and objective study is quite up to the standard set by its predecessors and should be similarly welcomed. The author examines in detail the candidates and their addresses, the national party campaigns, and the role of press and radio in the election. Of special interest are the summaries of the struggle in three selected constituencies, one in London, one in the Lancashire cotton district, and one in the rural south. Finally, there is a comprehensive analysis of the election results which employs the methods worked out in Mr. Butler's earlier study of the electoral system.

*Britain and the British People.* BY SIR ERNEST BARKER. (London, New York, and Toronto:

Oxford University Press. 1955. Pp. xii, 186. \$2.00.)

An enlarged and up-to-date revision of a small volume first issued in 1942. The author describes in brief compass certain important elements of the British social scene: chapters are included on law, government, church, education, social welfare, etc., each delightfully interpreted by England's leading political scientist.

*Rural Roads and Local Government.* BY THE ROYAL COMMISSION ON AGRICULTURE AND RURAL LIFE. (Regina, Saskatchewan: Queen's Printer. 1955. Pp. xix, 320. \$1.00.)

The fourth of a series of reports submitted by the royal commission established in 1952 by the government of Saskatchewan.

*The Liberian Year Book, 1956.* COMPILED AND EDITED BY HENRY B. COLE. (London: Diplomatic Press and Publishing Co. 1956. Pp. 312.)

For the first time there is readily available in one place rather detailed information about the government of Liberia, with a directory of Liberian diplomatic and consular representation abroad and of foreign diplomatic and consular representation in Liberia. A table of the 1955 election returns is included. There is a section on the presidents of Liberia and the principal events under each. A biographical section of about 100 sketches includes members of Congress and principal officials.—J.B.C.

*Sammlung von Gesetzen für den Staats- und Gemeindedienst. 2. erweiterte Auflage.* BY THE MINISTERIUM DES INNEREN DER SAAR. (Saarbrücken: Saarländische Verlagsanstalt und Druckerei G.m.b.H. [1955]. Pp. 176.)

The compilation includes the official German text of the Constitution of the Saar, the general law on the administration of the state, the laws governing the organization of the Gemeinde and Kreise, their fiscal relationships to the state, and the operations of business activities.—J.B.C.

*Führer durch das Saarländische Recht, 1945-1955, nach dem Stande vom 30.6.1955, mit Gesetzesregister.* BY ALEXANDER BENDER. (Saarbrücken: Gesellschaft für berufsbildendes Schrifttum m.b.H. 1 vol., loose-leaf. [1955].)

In a jurisdiction such as the Saar, it is often extremely difficult to know what laws, decrees, and regulations are in force. This work,

prepared by a librarian at the Landgericht, Saarbrücken, attempts to remedy this deficiency by indexing the provisions as printed in the *Amtsblatt des Saarlandes* and in the loose-leaf form, keeping it up to date by quarterly supplements. The position of the Saar in Europe makes it rather important that this information be readily available.—J.B.C.

*Nationalratswahlen. Élections au Conseil National 1951.* (Bern: Eidgenössisches Statistisches Amt. Beiträge zur schweizerischen Statistik, Heft 28. 1954. Pp. 170.)

This work continues the reports on the results of the proportional elections that have been published in Switzerland since 1919. The text is given in both German and French.—J.B.C.

*La Procédure Parlementaire en Europe: Étude Comparée.* BY LORD CAMPION AND D. W. S. LIDDERDALE. (Paris: Librairie Armand Colin. 1955. Pp. xix, 247.)

A translation of a useful volume, first published in English in 1953.

*African Crossroads.* BY SIR CHARLES DUNDAS. (London: Macmillan & Co., Ltd.; New York: St. Martin's Press. 1955. Pp. x, 243. \$4.00.)

The memoirs of a successful career officer of the British Colonial Service, comprising the record of 40 years' experience in the Service, largely in East Africa.

*Korea Tomorrow: Land of the Morning Calm.* BY KYUNG CHO CHUNG. (New York:

The Macmillan Co. 1956. Pp. xxv, 384. \$5.95.)

This is also Korea yesterday and today; a solid and comprehensive volume summarizing the nation's history, touching geographical and cultural factors, analyzing the economy, and reviewing the political evolution of the 20th century. The author is a young Korean, educated in Japan and the United States, and now teaching at the Army Language School.

*History and Theories of Working-Class Movements: A Select Bibliography.* COMPILED BY CHARLES A. GULICK, ROY A. OCKERT, AND RAYMOND J. WALLACE. (Berkeley, California: University of California. 1955. Pp. xix, 364. \$4.50.)

All select bibliographies are open to criticism on grounds of restriction of coverage. The compilers of this bibliography explicitly limit their work to periodical material in the English language. A further restriction not specified is use of only major publications, material which is most likely to be found in other guides and bibliographies. No annotations are given, though articles of major importance are marked with a star. A suggestion of subject matter is found in the divisions of material under ten geographical areas and "International." Articles under Great Britain, France, Germany, and Russia are subdivided by subject matter as are those under "International." Of the total, 143 pages are devoted to the United Kingdom.

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WILLIAM H. ROBERTS  
*Catholic University of America*

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## INTERNATIONAL LAW AND RELATIONS

*Charter Review Conference: Ninth Report and Papers Presented to the Commission.* (New York: Commission to Study the Organization of Peace. 1955. Pp. 226.)

This volume contains the recommendations of the Commission with respect to the holding of a review conference under the terms of Article 109 of the Charter of the United Nations, and a number of separate papers on topics which might be considered at such a conference. The publication of the Report in August, 1955 was timely, considering that the General Assembly was required by Article 109 of the Charter to place the question of the holding of a review conference on the agenda of its tenth session. The views expressed in the recommendations of the Commission appear in general to have been those of the great majority of the members of the Assembly judging by the action taken on the question. Of course, it is impossible to say what impact the Commission's conclusions had. Rightly, in this reviewer's opinion, the Commission stressed the dangers of the premature holding of a conference, the limited results it might be expected to achieve, and the pressing present need of developing a wide understanding of what the United Nations is, of its role in international relations, of the process by which the United Nations has in the past adapted itself to new conditions, and of the possibilities of such adaptation in the future.

The papers presented are of unequal value to the serious student of international organization. Some deal with fundamental issues in a scholarly and thought-provoking manner, while others are more superficial in their treatment. For example, Quincy Wright's paper on "Domestic Jurisdiction and the Competence of United Nations Organs" is an excellent discussion of this much-discussed question. Louis Sohn's paper on "The Role of the General Assembly and the Problem of Weighted Voting" is a careful analysis, loaded with statistics, on a rather academic question. Catherine Senf's piece, which follows it, is carefully thought out and ingenious. David Cavers has some interesting suggestions for breaking the disarmament deadlock. James N. Hyde gives a clear and concise analysis of "The Development of Procedures for the Peaceful Adjustment of Disputes."

"The Papers are not intended as a comprehensive review of the Charter" (Introduction.)

It is obvious that the emphasis is on the peace and security function and activities of the United Nations. There are no papers dealing explicitly with Charter provisions and U.N. organizational activities in the fields related to economic and social cooperation and non-self-governing territories.—LELAND M. GOODRICH, *Columbia University*.

*The Calvo Clause: A Problem of Inter-American and International Law and Diplomacy.* By DONALD R. SHEA. (Minneapolis: University of Minnesota Press. 1955. Pp. xv, 323. \$5.50.)

In this timely study, Professor Shea has provided a valuable survey of materials related to the problem of the Calvo Clause. But the book is far more than a survey, and its primary claim to attention lies in the fact that the author has undertaken to relate the Calvo issue to problems of international and particularly inter-American politics, questions of international economic relations, and emergent trends in international legal development, as well as to clarify the legal significance of the Calvo Clause as a barrier to the diplomatic protection of aliens.

The author's major thesis is that, by virtue of the arbitral decision in the *North American Dredging Company* case (1926) and the following of that decision in subsequent cases, the Calvo Clause has acquired a position of limited validity which disproves the contention of most publicists that the clause is legally ineffective and superfluous. The clause is valid in the sense that the individual may effectively contract away his right to invoke the protection of his government; its validity is limited in that a government cannot lose the right to exercise diplomatic protection by the act of a private citizen, and in that it does not pose a legal bar to diplomatic protection in the event of a denial or undue delay of justice.

In the opinion of this reviewer, the effort to prove this thesis is not wholly successful. Professor Shea is clearly correct in the most literal sense: the *Dredging* case initiated a series of decisions in which the Calvo Clause has been cited as having determinative effect, and thus the clause has, since 1926, been legally effective. But the commission in that case explicitly asserted that the clause did not deprive the claimant of the right to invoke governmental protection if he had exhausted local remedies and justice had been denied or

delayed, and it made much of the fact that this procedure had not been followed. What the commission said in effect was that even *without* the Calvo Clause, there is no right of diplomatic interposition when local remedies have not been exhausted, and even *with* the clause, there is such a right if those remedies have been exhausted. Insofar as the tribunal took a position generally applicable to cases involving the clause, it simply restated the familiar view that the rule of local remedies is determinative in respect to the admissibility of international claims, and is not modified by the existence of a Calvo Clause.

The crucial feature of the *Dredging* case was the fact that the parties had formally agreed to waive the local remedies rule. The commission ruled that the Calvo Clause overrode the waiver—that the claimant had a double obligation, under international law and under his contract, to exhaust local remedies, and that the waiver excused him from the first but not the second obligation. Then it found that he had not pushed the matter to the denial of justice stage, and thus that there was no case for governmental interposition on his behalf. It is noteworthy that *all* the cases cited as following the *Dredging* precedent have come under claims conventions in which the waiver of local remedies appears. Thus, it would seem that all that can properly be derived from this body of decisional law is the proposition that the Calvo Clause creates exceptions to general waiver clauses. In these terms, the clause is simply an emphatic reiteration of the normal legal rule pertaining to local remedies; the implication is that whenever the clause may be involved in a case unaffected by a waiver, it must be regarded as legally inconsequential—superfluous, in the sense that it is not needed to prevent interposition if there has not been a denial of justice, and futile, in the sense that it is impotent to prevent interposition if there has been a denial of justice. Thus, it seems to this reviewer that the legal significance of the Calvo Clause is more limited, and the views of the debunkers of the clause are more nearly accurate, than the author suggests.—INIS L. CLAUDE, JR., *Harvard University*.

*Yearbook of the United Nations, 1954.* PREPARED BY THE UNITED NATIONS SECRETARIAT (New York: Columbia University Press. 1955. Pp. x, 656. \$10.50.)

This volume covers the record of the United Nations and the specialized agencies for the

calendar year 1954. It differs in important respects from its immediate predecessors in this valuable series. There are substantially fewer pages and the pages are somewhat smaller. This would appear to be the result not so much of less activity to report as of less money to spend. There are some indications that the organizational and political aspects of the Organization's record have been compressed more rigorously than the economic and social. It contains less detailed information and fewer texts of drafts and resolutions than its predecessors. There are documentary notes at the end of each subject discussed which provide references to documents and give the texts of resolutions adopted. This, no doubt, has certain advantages over the earlier practice of including references and texts in the factual accounts. The *Yearbook* remains an extremely useful and, in fact, indispensable volume for any serious student of international organization.—L.M.G.

*Dynamics of International Relations.* By ERNST B. HAAS AND ALLEN S. WHITING. (New York, Toronto, and London: McGraw-Hill Book Co., Inc. 1956. Pp. xx, 557. \$6.00.)

A new contribution to the growing shelf of textbooks on international politics. The authors go over a good deal of familiar territory in analyzing the power factors, in arguing that power is a means to an end, and in acknowledging that ideals and moral considerations influence policy decisions, and in considering the role of international law and of international organizations. They suggest a new emphasis, however, on the varying nature of the "elite" groups which affect the international relations of any state; such groups include not only officials but those with "private" international interests. The actions of these groups are conditioned by the nature of the political institutions (the United States, Russia, Egypt, and Nazi Germany are studied as illustrations) within which they must work, but in turn the political institutions are responsive to the needs or values of influential elite groups.

*Documents on British Foreign Policy, 1919-1939. Third Series, Volume VIII, 1938-39.* EDITED BY E. L. WOODWARD AND ROHAN BUTLER. (London: Her Majesty's Stationery Office. Distributed by British Information Services, New York. 1955. Pp. lxxxiv, 560. \$9.20.)

*Documents on British Foreign Policy, 1919-1939. Third Series, Volume IX, 1939.* EDITED BY E. L. WOODWARD AND ROHAN BUTLER. (London: Her Majesty's Stationery Office. Distributed by British Information Services, New York. 1955. Pp. lxxxiii, 539. \$9.29.)

Two new issues in the well-edited official series of documents on British foreign relations. These two volumes constitute a single unit dealing with British relations with the Far East (predominantly Japan and China) from August, 1938 to the outbreak of war with Germany in September, 1939.

*American Foreign Relations: A Bibliography of Official Sources.* BY ELMER FLISCHKE. (College Park, Md.: University of Maryland, Bureau of Government Research. 1955. Pp. viii, 71.)

A brief and exceedingly useful source list, dealing with general U. S. Government publications, congressional sources, State Department and other department releases.

*American Agencies Interested in International Affairs.* COMPILED BY RUTH SAVORD AND DONALD WASSON. (New York: Council on Foreign Relations. 1955. Pp. vii, 289. \$3.00.)

Listing of over 350 non-official agencies concerned in some way with some aspect of international affairs and providing, where available, information about the agency's officers, finance, purpose, and typical publications.

*The United States and Asia.* BY LAWRENCE H. BATTISTINI. (New York: Frederick A. Praeger, 1955. Pp. xii, 370. \$5.00.)

A rather brief review of Far Eastern history since 1895, from the viewpoint of the United States' interest and growing concern and responsibility in that area; a handy introductory volume.

*The Indian Year Book of International Affairs, 1954.* (Madras: University of Madras. 1954. Pp. ix, 454. Rs. 10.)

A collection of essays on a wide variety of topics, most by Indian scholars, arranged under two general headings: "International and Home Affairs," and "International and Comparative Law."

*The Pattern of World Conflict.* BY G. L. ARNOLD. (New York: The Dial Press. 1955. Pp. vi, 250. \$4.00.)

A rather routine look at the contemporary

international scene, and one emphasizing the importance of an "Atlantic" view and community during the periods of cold war and/or co-existence; the author is one of the editors of *The Twentieth Century*.

*Verträge der Bundesrepublik Deutschland. Serie A: Multilaterale Verträge Nr 1-11. Band I.* BY THE AUSWÄRTIGES AMT. (Bonn, Köln, Berlin: Carl Heymanns Verlag. 1955. Pp. viii, 495.)

Volume 1 of Series A of the official treaty collection for the German Federal Republic includes the German, English, and French texts of the multilateral pacts which have been concluded and made effective to December 31, 1951. In Series B, bilateral treaties, the intent is to reproduce only the text in German. These are to be continued by annual collections. Another series is to contain the treaties of the Deutsches Reich regarded as valid for the Bundesrepublik. A special supplementary volume in loose leaf form is planned to contain information about the conclusion of treaties, their ratification, putting into effect, adherence of other states, etc. It is well to remember that treaties are published currently in Teil II of the *Bundesgesetzblatt*.—J.B.C.

*Staatsverträge, Konventionen, Abkommen zwischen Frankreich und dem Saarland.* (Saarbrücken: Saarländische Verlagsanstalt und Druckerei. 1955. Pp. [725]. Das Recht des Saarlandes. T.02.)

The convenient collection of the treaties, conventions, and agreements between France and the Saar has been assembled from the sections as published from time to time in the current unofficial law collection of the Saar, furnished with a table of contents and an index, and accompanied by explanatory speeches delivered in the Saar Landtag. In view of the current political changes in the Saar, these documents represent conditions that may have to be considered rather seriously.—J.B.C.

Ministerstvo Inostrannykh Del SSSR. *Sbornik delstvuyushchikh dogovorov, soglacheniy i kovenitsiy, zaklyuchennykh SSSR s inostrannymi gosudarstvami. Vypusk X.* (Moskva: Gosudarstvennoe Izdatel'stvo Politicheskoi Literatury. 1955. Pp. [237]. 1 map. Rubles 4.50.)

The tenth and latest volume of the Soviet Union official treaty collection, edited by the Ministry of Foreign Relations, covers the period January 1, 1937-June 21, 1941, and re-

produces the texts only in Russian. Vol. 1-2 (p. 371) containing the treaties to January 1, 1925, was published in 1928. Vol. 9 (p. 507), covering the years 1933-36, appeared in 1938. —J.B.C.

*Africa in the Modern World.* EDITED BY CALVIN W. STILLMAN. (Chicago: The University of Chicago Press. 1955. Pp. x, 341. \$6.00.)

A symposium comprising 16 articles by as many men, some of whom are the world's leading students of modern Africa. Based on the 1953 Harris Foundation lectures at Chicago, the volume deals with selected areas south of the Sahara and considers as well certain problems (economic, social, political) common to the whole area. The coverage is necessarily incomplete and the total effect is uneven, but the volume contains some extremely able and useful contributions.

*Britain in Western Europe: WEU and the Atlantic Alliance.* A REPORT BY A CHATHAM HOUSE STUDY GROUP. (London and New York: Royal Institute of International Affairs. 1956. Pp. xiii, 121. \$1.50.)

A well-written, short guide to the various movements for greater European unity, in which the continuing perplexity is Britain's wish to see a stronger Europe which will neither exclude British influence nor require full British membership.

*The Asian-African Conference: Bandung, Indonesia, April 1955.* BY GEORGE MCTURNAN KAHN. (Ithaca, N. Y.: Cornell University Press. 1956. Pp. vii, 88. \$2.00.)

An excellent short essay on the origins and proceedings of this significant regional gathering; several major speeches and reports are

appended. The author was an observer at the conference.

*The Middle East, Oil and the Great Powers.* BY BENJAMIN SHWADRAN. (New York: Frederick A. Praeger. 1955. Pp. xii, 500. \$7.00.)

Certainly the exhaustive, final word to date on the politics of Middle Eastern oil from the first effective concession by Persia to William Knox D'Arcy in 1901 through the 1954 production figures. The area is surveyed country-by-country and, while the emphasis is on oil, a good deal of relevant information about internal and external political matters is included. Thirty-nine pages of bibliography.

*How Communists Negotiate.* BY ADMIRAL C. TURNER JOY. (New York: The Macmillan Company. 1955. Pp. xii, 178. \$3.50.)

The senior United Nations delegate at the Korean armistice conference describes those tortuous negotiations with understandable exasperation and evidence of frustration. The admiral, incidentally, is not opposed to negotiation in principle, but is highly critical of the limitations imposed on the military commanders after the Chinese intervention.

*Teaching World Affairs in American Schools: A Case Book.* EDITED BY SAMUEL EVERETT AND CHRISTIAN O. ARNDT. (New York: Harper & Brothers. 1956. Pp. xv, 270. \$4.00.)

A summary of the more interesting and promising methods used to interest students in the United States in world affairs and to include materials on world affairs in curriculums. The survey ranges from elementary through college level, and also includes adult education and community service programs.

## SELECTED ARTICLES AND DOCUMENTS ON INTERNATIONAL LAW AND RELATIONS

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## POLITICAL THEORY, RESEARCH, AND METHODOLOGY

*Historical Inevitability.* By ISAIAH BERLIN. (London, New York, and Toronto: Oxford University Press. 1955. Pp. 79. \$2.00.)

This first Auguste Comte Memorial lecture at the London School of Economics is now published in what must be a considerably expanded form, since not even Isaiah Berlin could pour some 40,000 words into a single lecture. There is a certain irony, of which Mr. Berlin seems quite aware, in dedicating this particular piece to the memory of Comte. For the lecture is a lively and thoroughgoing attack on all forms of that "historicism" of which Comte's famous sequence of theological-metaphysical-positive stages is an outstanding example. Comte, however, gets off lightly, and the heavy fire is directed toward Hegelians, Marxists, Spenglerians, Toynbeans, and all who see in the course of history a pattern of inevitability. The essay is written with Mr. Berlin's customary fluency and clarity. With commendable considerateness, he has banished to several long footnotes the more technically philosophical parts of the discussion.

Determinism is indeed Mr. Berlin's main target. But he also attacks historical relativ-

ism as another dissolvent of the proper moral energies necessary to our time. Lest the reader, not as aware as Mr. Berlin of the vast spaces philosophical thought provides, might think the lecturer's own position purely negative he gives a neat statement of his position, which he does not label, but which we will risk calling realistic pluralism, duly but not excessively spiced with skepticism: "The same facts can be arranged in many patterns, seen from many perspectives, displayed in many lights, all of them equally valid, although some will be more suggestive or fertile in one field than in another, or unify many fields in some illuminating fashion, or, alternatively, bring out disparities and open chasms; some of these patterns will lie closer than others to the metaphysical or religious outlook of this or that historian or historical thinker. Yet through it all the facts themselves will remain relatively 'hard'." (p. 70)

The whole lecture is a stimulating challenge to debate, as befits the pluralist point of view. Here we can note but one point, which has by no means escaped the reviewers. Mr. Berlin only tangentially deals with what must

seem to many historians the obvious fact about deterministic beliefs: those who hold such beliefs most firmly do in life behave as if they were free moral agents, as if every moment were a choice between duty and sin. This is as true of convinced Marxists as of convinced Calvinists. Mr. Berlin knows this, of course, but he does not think it worth stressing. He prefers instead to emphasize the degree to which such deterministic beliefs corrupt normal common sense in the minds of men, which he rather hopefully assumes might otherwise operate rather as his own mind does. This conviction that thoroughly formulated systematic ideas about the behavior and destiny of men in society somehow poisons human behavior leads him at least once to list as bad influences practically everybody from Montesquieu to Sorel who has pronounced on men as political animals. It leads him indeed close to the edge of an anti-social-scientism where he has the usual assortment of very disagreeable associates. Of course the social sciences are immature, imperfect, and sometimes painfully cocksure, but they are surely not basically perverse, wrongheaded, wholly outside the tradition of reason and sense Mr. Berlin himself values so highly?—CRANE BRINTON, *Harvard University*.

*The Psychology of Politics*. By H. J. EYSENCK.  
(New York: Frederick A. Praeger. 1955.  
Pp. xvi, 317. \$6.00.)

Here is a work to be handled at arm's length, neither clasped to the bosom, nor rejected out of hand. In three excellent chapters Eysenck summarizes most lucidly the problems of measuring public opinion, political attitudes, and voting decisions. Then with some skill he deals with the way in which political (and other) attitudes may be organized in a person's mind and develops some geometric devices for portraying the interrelationships of attitudes. At this point, what is conceived to be the major substantive contribution of the book comes into view—the concept of a continuum of tough- and tender-mindedness (T-scale) which gives a personality dimension "vertical" to the more usual radical-conservative ideological dimension. Much of the remainder of the book is devoted to elaboration of this view, relating it to other studies which are, so it seems, rather rudely pressed into service to support this tender-mindedness dimension. Finally, a theoretical basis is provided from the fundamental concepts of learning theory.

I am indebted to Richard Christie for the opportunity to examine his reworking of Eysenck's data, testing it for internal consistency and comparing Eysenck's inferences to the evidential support. Briefly, under this scrutiny (and additional scrutiny by Rokeach), the T-scale collapses. Yet the idea that there may be some such dimension (separating fascists and communists, on the one hand, from liberals and conservatives on the other) does not fall to the ground and the suspicion remains that, with other items, such a dimension may yet be measured.

In one or two other aspects, I find the work not quite satisfying. In a chapter entitled "A Theory of Political Action," Eysenck gives a summary of learning theory and its relation to attitude formation which seems curiously foreign to the world of politics, rather a disembodied discourse on an interesting but unrelated (because he does not relate it) problem. There is no harm done, but one could wish, with such a title, some closer guidance for those of us who seek help from the psychologists for our analysis of political processes. Further, perhaps because of the gingerly handling of psychoanalytic theory, the book gives an overpowering array of the interrelationships of belief items, but minimal insight into why these, rather than other, beliefs happen to go together.

But do not be quick to put *The Psychology of Politics* back upon the shelf. The data, studies, methods, and concepts (T-scale aside) discussed therein give better insights into the nature of ideologies than is available in most of the literature dealing with political ideas. And surely Eysenck has offered a useful beginning for a growing objective and operational (testable) analysis of political beliefs.—ROBERT E. LANE, *Yale University*.

*Jean-Jacques Rousseau: A Critical Study of His Life and Writings*. By F. C. GREEN.  
(Cambridge, Eng.: Cambridge University Press. 1955. Pp. 376. \$5.00.)

In this book Professor Green undertakes to do two things: to give an account of Rousseau's life and character, and to show their influence on his literary and political works. The first task is accomplished in a sympathetic yet objective manner. The second reveals some difficulties that likely are inherent in a biographical approach to the interpretation of political philosophy.

Green's portrait of Rousseau is that of a not entirely unattractive man. No effort is made



to minimize his defects of character, and these are perceptively traced to their roots in childhood. The many facets of his complex personality are judiciously described. Due weight is given to Rousseau's chronic illness in the explanation of his behavior. He does not come off second best in the account of his quarrels with Diderot and Hume. The explanation of his transformation on the road to Vincennes is excellent and shows Green to be a subtle psychologist.

The analysis of Rousseau's political writings fails to bring *The Social Contract* into sharp focus and is less convincing than the biographical parts of the book. Rousseau not only had a childhood but was acquainted with the literature of political theory, and we may assume that the latter also influenced his thinking. It is true that in the *Discourse on the Arts and Sciences* he "universalized his personal experience" (p. 100). But one is less sure that the "whole doctrine of natural human goodness was the involuntary projection, on a universal scale, of Rousseau's own moral and spiritual dilemma" (p. 122). No doubt he avoided many of his moral obligations, but this is not sufficient reason to interpret both *Emile* and *The Social Contract* as efforts to escape duty by equating it with necessity. Green grants neither Rousseau's pupil nor his citizen potentialities for moral growth and action. In consequence he regards the transformation which men undergo in Rousseau's society as caused by a "mysterious power" (p. 280) the nature of which is never explained. And social spirit becomes "the mysterious *elan* that brought men together originally into the political association" (pp. 292-93). An alternative interpretation is that Rousseau thinks of men as making the social contract from motives of expediency and self-interest. Given the appropriate form of association, they are transformed into moral beings in whom there gradually develops social sentiment as they come to appreciate life in a society guided by their general will.

Despite these shortcomings, which are not evident in the analysis of Rousseau's more literary efforts, Green has made a significant contribution to the re-evaluation of Rousseau's thought. The book is full of insights into the connections between his life and writings. It never fails to be both illuminating and stimulating. All Rousseau scholars, and indeed all students of political theory, are permanently indebted to Green for having done a job that has long needed doing.—JOHN W. CHAPMAN, *Smith College*.

*Symbols and Society: Fourteenth Symposium of the Conference on Science, Philosophy, and Religion.* EDITED BY LYMAN BRYSON, LOUIS FINKELSTEIN, HUDSON HOAGLAND, AND R. M. MACIVER (New York: Conference on Science, Philosophy and Religion in Their Relation to the Democratic Way of Life, Inc. 1955. Distributed by Harper & Brothers, New York and London. Pp. xi, 611. \$6.00.)

In the many-faceted program of this conference, papers were included on "The Queen as Political Symbol in the British Commonwealth," by Thomas Hichie Adam, and on "Symbols of Political Community," by Karl M. Deutsch. There are several additional papers which contain considerable references to political symbols.

*Methods in the Study of Administrative Leadership.* BY RALPH M. STODDILL AND CARROLL L. SHARTLE. (Columbus, Ohio: The Ohio State University. 1955. Pp. xv, 77. \$2.00.)

Developed from the "Ohio State Leadership Studies," this monograph describes seven methods for study of leadership in organizations. It will be followed by six separate studies on application of the methods, scheduled for release during the first half of 1956.

*The Engineering of Consent.* EDITED BY EDWARD L. BERNAYE. CONTRIBUTIONS BY HOWARD WALDEN CUTLER, SHERWOOD DODGE, BENJAMIN FINE, DORIS E. FLEISCHMAN, A. ROBERT GINEBURGH, JOHN PRICE JONES, AND NICHOLAS SAMSTAG. (Norman, Okla.: University of Oklahoma Press. 1955. Pp. viii, 246. \$3.75.)

This is a book on how "trained practitioners" can "engineer public support." They will use "findings of social scientists" to know how better to make strategic use of symbols, etc. effective. The book should be of interest not only to practitioners but to students of public opinion and of democracy who, like some students of law, are interested in more than the use of art for support of causes.

*Democrazia e Cultura.* BY HANS KELSEN. (Bologna, Italy: Il Mulino. 1955. Pp. xxviii, 175.)

A translation into Italian of three of Kelsen's publications—two in German: *Vom Wesen und Wert der Demokratie* and *Was ist Gerechtigkeit*; one in this REVIEW: "Absolutism and Relativism in Philosophy and Politics"—with an introduction by Nicola Matteucci.

# SELECTED ARTICLES AND DOCUMENTS ON POLITICAL THEORY

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*Carnegie Institute of Technology*

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## NEWS AND NOTES

### PROFESSIONAL CONFERENCES

#### 1956 ANNUAL MEETING OF THE ASSOCIATION

The 1956 Annual Meeting of The American Political Science Association will be held September 6-8, 1956, in Washington, D.C. The Chairman of the Program Committee is Professor Earl Latham, of Amherst College; the Chairman of the Committee on Local Arrangements is The Reverend James B. Horigan, S.J., of Georgetown University.

The 10th Anniversary Meeting of the Western Political Science Association was held on the campus of Utah State Agricultural College, Logan, Utah, March 30-31, 1956. Nine round-tables were conducted centering on the theme: "Politics and Political Science in the Western States." G. Homer Durham, first president of the Western Political Science Association, delivered an address on "The First Ten Years of the WPSA and the Next Ten Years." Curtis Martin of the University of Colorado delivered the presidential address, entitled "The Soft War." Harold Enarson, executive director of the Western Inter-State Commission on Higher Education, spoke on the organization and activities of the Commission.

Officers elected for the following year are: president, Russell H. Fitzgibbon, University of California (Los Angeles); vice-president, Howard J. McMurray, University of New Mexico; members of the executive council for two-year terms: Bernard Borning, University of Idaho; Frank Jonas, University of Utah; Ross R. Rice, Arizona State College (Tempe). Thomas Payne, Montana State University, was elected to a one-year term on the Council. Curtis Martin, as retiring president of the association, goes on the Council as *ex-officio* member for one year. Members of the Council who carry over for one more year are: Freeman Holmer, Willamette University, and John Vieg, Pomona. Also continuing in office is the secretary-treasurer, R. A. Gomez, University of Arizona. The next annual meeting of the Association will be held at the University of California (Los Angeles) in the spring of 1957.

On March 27 and April 26, 1956, the Dis-

trict of Columbia Political Science Association (DCPSA) held its second and third meetings of the current year in the Lounge of the Brookings Institution. The speakers and their topics were: March meeting—Colonel William R. Kintner, Operations Research Office: "The Impact of Modern War on International Politics"; April meeting—William Y. Elliott, Harvard University and Executive Office of the President: "The Limits of Behaviorism in Politics."

The annual meeting of the Pennsylvania Political Science and Public Administration Association was held in Harrisburg April 13-14, 1956. The two-day program included discussion of such topics as the political issues in 1956, political scientists and the problems of government, and education for politics and public service. Among the participants were politicians, newspapermen, public administrators, and political scientists.

The Northern California Political Science Association held its ninth annual conference on May 5, 1956 at Stanford University. New officers of the association are: president, Arnaud B. Leavelle, Stanford University; vice-president, Earl C. Segrest, Sacramento State College; secretary-treasurer, Father Richard J. Roberts, Santa Clara University; councilors, Roy Archibald, San Mateo Junior College; Norman Jacobson, University of California (Berkeley); Robert C. Johnston, Mills College; Hyman Palais, Humboldt State College; and Vernon Puryear, University of California (Davis).

## OTHER ACTIVITIES

*Administrative Science Quarterly*, a new journal published by the Graduate School of Business and Public Administration, Cornell University, and devoted to advancing basic understanding of administrative processes in all types of organizations, will appear in June, 1956. Editor of the *Quarterly* is James D. Thompson. The editorial board includes Sune Carlson, Melvin de Chazeau, Alexander Leighton, Edward H. Litchfield, and Ewing W. Reiley. Paul Wasserman is book review editor.

The Sixth Inter-American Congress of Municipalities will be held in Panama City, Panama, August 14-19, 1956.

A new department of political science is in the process of being born at the State College of Washington. The present department of history and political science, established in 1928, will be divided into separate departments on September 16, 1956. During twenty-three years of the combined department's existence, Professor Claudius O. Johnson served as its chairman. Since 1951, the chairman has been Herbert J. Wood. The initial staff of the new department of political science will be professors Claudius Johnson and Paul Beckett, associate professor H. Paul Castleberry and assistant professors Daniel M. Ogden, Jr. and Thor Swanson. Professor Beckett has been elected the new department's first chairman, to serve until 1959.

The Institute of World Polity, sponsored by Georgetown University and "designed to serve as an organization for systematic research and discussion of questions affecting international relations and the foreign policy of the United States" has recently been re-organized. Among the full members of the Institute are: Samuel F. Bemis, Yale University; Willard B. Cowles, State Department; Edwin D. Dickinson, University of Pennsylvania; Rev. James B. Horigan, S.J., Georgetown University; Sheldon Z. Kaplan, House Foreign Affairs Committee; Rev. Brian A. McGrath, S.J., Georgetown University; Pitman B. Potter, American University; William H. Roberts, Catholic University; Pitirim A. Sorokin, Harvard University and Quincy Wright, University of Chicago. William V. O'Brien, Georgetown University, serves as acting chairman. At a business meeting held on April 29, 1956, an extensive research and publication program was discussed and adopted.

Tulane University, in cooperation with the American Assembly of Columbia University, sponsored a Southern Assembly on April 19-22 at Buena Vista Hotel, Biloxi, Mississippi. The conference topic was "Southern State Governments: Functions and Problems," and the background report was prepared under the direction of L. Vaughan Howard, chairman of the department of political science at Tulane. The composition, organization, and procedure of the Southern Assembly follow the pattern already established by the American Assembly.

In September, 1955 the division of social science at San Jose State College was subdivided into three departments: history, economics, and geography; sociology and social service; political science and public administration.

The Institute of Government, University of Utah, is conducting a series of studies for the Local Government Survey Commission of the State of Utah.

Kenyon College will hold a conference on April 4-7, 1957 on the theme "The Essentials of Freedom: the Idea and Practice of Ordered Liberty in the Twentieth Century." The project is supported by a grant from the Fund for the Republic. It will constitute the fifth in a series of conferences held at the College since 1947.

A grant from the Ford Foundation permits the department of political science at the State University of Iowa to sponsor an eight-week Seminar on the Teaching of International Politics again in the summer of 1956. Professors Richard Snyder of Northwestern, Harold Sprout of Princeton, and Schuyler Wallace of Columbia are serving as project advisers. Kenneth Boulding, William T. R. Fox, Clyde Kluckhohn, and others will meet with the seminar as visiting consultants.

The Northern California Citizenship Clearing House has been established at Stanford University. Director of the new clearing house is assistant professor Robert A. Horn, with the assistance and advice of Thomas S. Barclay, Arnaud B. Leavelle, and Robert A. Walker.

An American Committee for the Study of War Documents has been organized, having as

its executive board a standing committee of the American Historical Association. Its purpose is to direct an organized effort for the fullest scholarly utilization of documents which came into the possession of the Allies as a result of World War II; to secure the aid of the appropriate governmental agencies in making these documents available for study by American scholars; to enlist the support and cooperation of universities and colleges, faculties and graduate students, and of other scholarly organizations, in the systematic exploration of this material; to collaborate with scholars and institutions abroad in regard to such studies. Inquiries should be addressed to the executive secretary, Sidney Wallach, 381 Fourth Avenue, New York.

The Samuel S. Fels Fund has given \$200,000 to the University of Pennsylvania's Institute of Local and State Government to erect an addition to the Fels Center. With the added space the Institute will expand and improve all three phases of its work—its full time curricula for college graduates aspiring to public service, its part-time courses for public officials, and its consulting and research services.

A grant of \$1,500,000 to the Institute of International Education was recently announced by the Carnegie Corporation of New York. The sum, which is one of the largest single grants ever made by this philanthropic foundation, will be used by the Institute for support and development of its programs of international student exchange over ten years.

A chapter of Pi Sigma Alpha was recently installed at Howard University. It became the seventy-eighth chapter of this national political science honor society.

Thomas H. Eliot of Washington University, St. Louis, and Paul G. Steinbicker of St. Louis University are co-directors of the Metropolitan St. Louis Survey. Carl A. McCandless of Washington University and Henry J. Schmandt of St. Louis University will be on leave for one year serving as associate research directors of the Survey.

The Central Regional Conference of Pi Gamma Mu met at Indiana State Teachers College on April 13-14, 1956 to discuss "The Future of the Social Scientist." Among those who addressed the conference were Charles S. Hyneman, Rollin B. Posey, Rexford Guy Tugwell, and W. Leon Godshall.

Indiana University's Second Little United Nations Assembly was held on March 2-4, 1956. Students from 38 colleges and universities attended as delegates. Reverdy T. Gliddon, of the department of government, served as President of the General Assembly and Mr. Andrew Cordier, Under Secretary General of the United Nations, addressed the Assembly.

Henry Reining, Jr., John M. Pfiffner, and Frank P. Sherwood, all of the School of Public Administration, University of Southern California, will conduct a five-day Institute on public administration in Honolulu during the period June 18-22. The Institute is sponsored by the Hawaiian chapter of the American Society for Public Administration.

The Commemoration Authority YAD VASHEM of Jerusalem and the YIVO Institute for Jewish Research of New York are currently engaged in an extensive joint research project on the documentation of the European Jewish Catastrophe. These institutions, having some of the richest collections of material related to the era of Nazism in general and the persecution and annihilation of European Jewry in particular, concluded an agreement on January 5, 1954, providing, *inter alia*, for (1) the coordination of the efforts to be expended for the collection of "documentary material related to the destruction of European Jewry and its struggle against the Nazi enemy, as well as material related to the history of the destroyed communities; (2) the preparation and publication of a descriptive catalogue of the archival material held by the two parties and in the possession of other institutions and individuals; (3) the preparation and publication of a bibliography of literature of the *Destruction* and of the participation of the Jews in the Second World War, and of the anti-Semitic Nazi literature in general." In accordance with the stipulation of this agreement, the documentation projects were divided into three independent, yet mutually interrelated, divisions: Bibliographic Division; Archives Division; Pinkas Hakehilot (Annals of the Destroyed Jewish Communities). The first two are located in New York and the third in Jerusalem. The cooperation of the three divisions is assured through the synchronization of the work by a committee of experts, called the Joint Commission of YAD VASHEM and VIVO.

Robert E. Agger, assistant professor at the University of North Carolina, is the recipient



of a three-year Faculty Fellowship from the Social Science Research Council.

Vernon V. Aspaturian, assistant professor of political science at The Pennsylvania State University, will be on leave of absence from July, 1956 to September, 1957, to do research and writing under a grant from the Rockefeller Foundation.

Stephen K. Bailey, director of the graduate program of the Woodrow Wilson School of Public and International Affairs at Princeton, attended the Air War College Forum at Maxwell Field, Alabama, from April 16-20, 1956.

Hollis W. Barber will be on leave from his post as professor of political science at the Chicago Undergraduate Division of the University of Illinois for the academic year 1956-1957 to work with the Council on Foreign Relations, New York City.

Thomas S. Barclay of Stanford served on the Jury of Award for the Bancroft Prizes of Columbia University during the current academic year.

Vaclav L. Benes, associate professor of government, Indiana University, addressed a conference on the Midwest Heritage at Coe College on April 7.

Denis W. Brogan, of Cambridge University, England, served as George A. Miller visiting professor of political science at the University of Illinois during the spring. He also inaugurated the series of lectures at the University of Illinois commemorating Woodrow Wilson.

Bernard E. Brown, assistant professor at Michigan State University, has received a post-doctoral Fulbright grant. He will be affiliated with the Institute of Political Science in Paris during 1956-1957.

Edward H. Buehrig, professor of government, Indiana University, has been appointed chairman of the Indiana University Summer Conference on American Foreign Policy, to be held at Bloomington, Indiana, June 29 and 30, 1956. Professor Buehrig participated in the Lectures and Seminar at the University of Chicago in connection with the celebration of the Woodrow Wilson Centennial, January 30 to February 3, 1956.

J. Alton Burdine, University of Texas, spent the spring semester 1955-1956 on a research assignment in Austin.

Byrum E. Carter, of the department of government at Indiana University, has received a summer faculty research grant from the Graduate School.

Al Castagno, a member of the government department in the School of General Studies at Columbia, has received a Ford Foundation grant for study in Africa.

William N. Chambers, associate professor of political science at Washington University, has been appointed Visiting Fellow in General Education at Harvard University for 1956-57.

Eugene P. Chase has been invited to lecture under a Fulbright grant on American Institutions at the University of Aix in Nice this summer.

Robert L. Clark has been appointed executive secretary of the National Committee for the Development of Scientists and Engineers.

Cornelius P. Cotter Stanford University, has been elected a member of the governing board of the Bay Area Chapter of the American Society for Public Administration.

Cecil V. Crabb, Jr., assistant professor of political science at Vassar College, has been made director of the Vassar-Wellesley summer interne program in Washington, D.C.

Robert A. Dahl, professor of political science, Yale University, has returned after a year at the Center for Advanced Study in the Behavioral Sciences.

P. Allan Dionisopoulos, lecturer in government at Indiana University, has received a faculty research grant from the Graduate School.

John Dorsey, assistant professor of political science at Michigan State University, has been appointed deputy adviser in charge of the Presidency Project of the Michigan State University technical assistance program in Vietnam.

Alex N. Dragnic, professor of political science, Vanderbilt University, was granted a faculty fellowship by the Fund for the Ad-

vancement of Education and is on leave during 1955-56 spending the year at Harvard University.

Lewis J. Edinger, assistant professor of political science at the Air University, has received an International Relations Training Fellowship from the Ford Foundation for 1956-57 and will pursue his studies at Stanford University.

Russell H. Fitzgibbon, of the University of California at Los Angeles, will teach at the University of Illinois in the summer school in 1956.

Michael J. Flack, assistant professor of political science at Vassar College, served recently as independent consultant to the Ford Foundation's international relations program.

Henry C. Galant, chairman, department of government, Skidmore College, has received a summer grant from the Social Science Research Council for research in France.

Federico G. Gil has been granted a year's leave of absence from the University of North Carolina for research in Latin America.

Edward B. Glick, interim instructor in the department of political science of the University of Florida, has been appointed a consultant to the Latin American Department of the Jewish Agency for Palestine.

Albert Gorvine, Brooklyn College, will remain for a second year as director of research at the Institute of Public Administration of the University of Ankara, under arrangements with New York University, supported by the International Cooperation Administration.

Priscilla Greeley, assistant professor of government, Skidmore College, will study at the University of London this summer.

Charles M. Hardin, University of Chicago, is rapporteur general of a roundtable (on the political role of the farm community) to be held at the International Political Science Association meeting at Geneva, Switzerland, in September.

Friedrich A. Hayek, Aaron Director, and Herbert Heaton are this year's lecturers at the Institute on Freedom and Competitive

Enterprise at Claremont Men's College, June 10-24, 1956.

Paul M. Herzog, associate dean of the Harvard Graduate School of Public Administration, has been appointed a member of the International Labor Office's Committee on Experts on the Application of Conventions and Recommendations. Mr. Herzog has also recently been elected Vice-President of the American Society for Public Administration.

Roger Hilsman, formerly of Princeton University, has been appointed Chief of the Foreign Affairs Division of the Legislative Reference Service, Library of Congress.

Bernard L. Hyink, dean of students, and William B. Storm, of the School of Public Administration faculty, University of Southern California, will serve with the School's Institute of Administrative Affairs, University of Tehran, Iran, during the 1956-57 school year. Richard C. Gable will continue as a member of the Institute faculty during the same period.

Frederick C. Irion, associate professor and director of government research at the University of New Mexico, has been appointed editor-of-reports for the New Mexico legislature's Welfare Investigating Committee. He has also been invited to attend the Second Conference on Democratic Theory to be held at Buck Hill Falls in June.

G. Edward Janosik, assistant professor at the University of Pennsylvania, has been given a special Summer Research Grant by the University of Pennsylvania.

Rex Johnson, formerly research director and secretary of the Recreational Planning Division of the Council of Social Agencies of Rochester, is now executive director of the Mental Health Association of Dayton.

Herbert Kaufman has been granted leave from Yale University for 1956-57 and will collaborate with Wallace S. Sayre of Columbia University under a research grant from the Russell Sage Foundation.

Joseph A. Kitchin has resigned from the department of political science at Queen's College to accept appointment as director of the United States Information Service in Calcutta, India.

Louis E. Lambert will direct the 8th Annual Workshop in Problems of State and Local Government this summer, to be held under the sponsorship of the department of government and the School of Education at Indiana University.

Harold D. Lasswell, professor of law and political science at Yale University and president of the American Political Science Association delivered the second lecture in public affairs at the University of Maryland, sponsored by the department of government and politics and the Bureau of Governmental Research.

Walter H. C. Laves, chairman of the department of government at Indiana University, attended the annual meeting of the Governing Board of the UNESCO Institute for Social Science in Cologne, Germany on March 16 and 17, 1956. Mr. Laves gave the principal address at a two-day conference on Technical Assistance and the Role of Universities at the University of Liege, Belgium.

Arnaud B. Leavelle, of Stanford University, is president-elect of the Northern California Political Science Association.

Charles O. Lerche, of the department of political science at Emory University, has been appointed associate director of the faculty Seminar for the Improvement of Teaching in International Relations being held at the University of Iowa during the summer session.

Werner Levi, of the University of Minnesota, will spend the summer in Europe where he will attend an International Sociological Conference and participate in an international seminar on some problems of international relations.

Georgia Bell Levy, associate professor of political science at Prairie View A & M College, has received grants from the Ford Foundation and the Danforth Foundation to engage in research on India and SEATO.

Guenter Lewy, an instructor in Columbia College has received an SSRC grant for 1956-57 to enable him to complete his dissertation.

Oliver J. Lissitzyn will be on leave from Columbia for the academic year 1956-57.

Clarence Ludwig, member of the political

science faculty and director of the Municipal Reference Bureau at the University of Minnesota, has returned from a period of service as a consultant in local government on the staff of the Institute of Public Administration at the University of the Philippines.

Arthur W. Macmahon, Columbia University, gave the annual Edmund J. James Lecture on Government at the University of Illinois on February 29, 1956.

Robert J. M. Matteron was appointed the first executive director of the American Society for Public Administration. The creation of this full-time post, which provides a chief administrative officer for the Society, was made possible by the recent \$245,000 grant of the Ford Foundation to the Society for a five-year development program.

Edwin B. McPherson, Indiana University, will conduct the second summer Property Tax School for municipal and county assessors under the sponsorship of the department of government at Indiana University, July 31 and August 1, 1956.

John H. Millett, University of Rochester, will teach at the University of Illinois during the summer session of 1956.

Lennox A. Mills, University of Minnesota, will attend a conference on South and Southeast Asia which will be held July 2-6 at the School of Oriental and African Studies of the University of London.

Hans J. Morganthau, University of Chicago, will be a member of the Columbia University Summer Session staff.

Ray Olpin, president of the University of Utah, Roy V. Peel, head of the department of political science, and Franz B. Schick, professor of political science, attended the Institute of World Affairs at Riverside, California, December 11-16, 1955.

Norman D. Palmer, professor of political science, University of Pennsylvania, has been appointed a member of the Committee on Institutional Projects Abroad of the American Council on Education. On February 10, Professor Palmer delivered the opening lecture in the Gabrielson Lecture Series at Colby College and on February 3 he lectured at the Army War College.

Otto Charles Press, of the North Dakota Agricultural College department of social science, has been appointed visiting assistant professor of government at Indiana University for the summer term 1956.

Allan R. Richards, associate professor of government at the University of New Mexico, has been appointed an administrative researcher to the New Mexico Legislature's Welfare Investigating Committee.

Benjamin Rivlin, Brooklyn College, will be Lecturer on North African Affairs at the Johns Hopkins University School of Advanced International Studies during the summer of 1956.

James R. Roach, associate professor of government at the University of Texas, has been awarded a Foreign Area Training Fellowship by the Ford Foundation for fourteen months beginning in June, 1956.

David W. Smith, former graduate student in the department of political science, University of Utah, is now attached to Amerika House in Heidelberg, Germany, as a member of the Foreign Service of the United States.

Ralph Smuckler has been appointed acting chief adviser of the 30-man technical assistance team of Michigan State University, in Saigon, Vietnam.

Clyde F. Snider, University of Illinois, was on leave during the spring semester, 1956, to continue his study of rural local government.

Richard F. Staar, professor of political science at Harding College, presented a paper at the Ninth University of Kentucky Foreign Language Conference on April 28, 1956.

John E. Stoner, professor of government, Indiana University, has received a grant from the National Association of County Officials to conduct a study of county road administration in the State of Washington.

Henry A. Turner, Santa Barbara College, University of California, will offer courses in the summer session at the University of Nebraska.

Amry Vandenbosch, University of Kentucky, was a member of a 10-man mission to confer with scientists, university administra-

tors, and government officials of the Colombo Plan countries on the establishment of an Asian Nuclear Center, which will be located in the Philippines.

Robert A. Walker, Stanford University, has been named chairman of the Committee on General Studies at Stanford, charged with carrying forward the extensive curricular revisions recently adopted by the faculty.

James T. Watkins, IV, Stanford University, has been appointed to the California Committee for the Study of Education by the Association of Western Colleges.

Wilfred D. Webb, associate professor of government at the University of Texas, has been appointed to the City Planning Commission of the city of Austin.

Edward W. Weidner, head of the department of political science at Michigan State University, has returned to the campus to re-assume his duties after serving as chief adviser of the Michigan State University technical assistance program in Saigon, Vietnam, for nine months.

J. D. Williams, assistant professor of political science, University of Utah, is active in the Home Rule Committee of Salt Lake City which is seeking a change from the Commission form to the city manager form of city government.

Francis G. Wilson, University of Illinois, will teach at the University of Washington summer session of 1956.

Leon Wolcott, visiting professor of government at the University of New Mexico, has been appointed executive director of the New Mexico Legislature's Welfare Investigating Committee.

Arnold Wolfers has been granted sabbatical leave from Yale University for 1956-57 and has received a research grant from the Rockefeller Foundation. Recently, the Swiss government appointed him to the six-man Governing Board of the Graduate Institute of Advanced International Studies at Geneva, Switzerland.

Chitoshi Yanaga, associate professor of political science, Yale University, has returned after a year in Japan.

## APPOINTMENTS AND STAFF CHANGES

Harold F. Alderfer has resigned as executive secretary of the Institute of Local Government at The Pennsylvania State University to become Assistant Commissioner of Operations of the Urban Renewal Administration in Washington, D.C.

John A. Armstrong, Jr. has accepted an appointment as visiting assistant professor in the Russian Institute at Columbia University during 1956-57.

Roscoe Baker has become a member of the department of government and politics of the University of Maryland and will participate in their overseas program.

John Ballard, University of Iowa, has been appointed to an instructorship in political science at San Jose State College.

Walter F. Berns, Jr., has been appointed an assistant professor of political science at Yale University.

Ralph Conant has been appointed an instructor in the department of political science at Michigan State University.

Alexander Dallin will become visiting assistant professor at the Russian Institute at Columbia University during 1956-57.

Richard A. Edwards of Lafayette College will be on leave through January, 1957 to be director of research for the Commission on Government Security.

Keener C. Frazer who, as a visiting professor, has held the Chester W. Nimitz professorship of social and political science at the Naval War College at Newport, Rhode Island during the past year will return to the University of North Carolina in September.

Frank Gibson has recently assumed his duties as director of the University of Georgia bureau of public administration and as supervisor of government training and service, Georgia Center for Continuing Education.

Federico G. Gil has been appointed to the rank of professor of political science at the University of North Carolina.

Kurt Ulaster has been appointed a member of the department of government and politics to work in the University of Maryland overseas program.

Charles D. Goff, of the University of Wisconsin at Milwaukee, is serving during the second semester as a lecturer in political science at the University of California at Los Angeles.

William R. Hamilton has joined the department of government and politics of the University of Maryland to work in the overseas program.

Willard R. Hancock has returned to the department of political science at the University of Pennsylvania after four and one half years as Director of the Bureau of Municipal Affairs, Department of Internal Affairs, Commonwealth of Pennsylvania.

Charles H. Heimsath has been appointed an instructor in political science at Yale University.

Richard H. Heindel, Dean of the college of arts and sciences and professor of history and government at the University of Buffalo, has been appointed the University's first vice-chancellor for planning and development.

Edwin C. Hoyt, Jr., will join the staff of the department of public law of Columbia University to give the international law lectures.

Charles S. Hyneman, Northwestern University, has been appointed professor of government at Indiana University beginning in the fall of 1956.

William S. Jenkins has become the first director of a new bureau of public records collection and research established at the University of North Carolina. He will continue to teach his courses in constitutional law.

Samuel S. Jones, formerly with the State Department and more recently with the Foreign Service, has been appointed Burton Craige Professor of Jurisprudence at the University of North Carolina.

Joseph LaPalombara has been promoted to

an associate professorship at Michigan State University.

Charles F. LeeDecker has become associate professor and executive secretary of the Institute of Local Government at The Pennsylvania State University.

Frank M. Lewis, who spent the last year doing research in Chile, has become an instructor in political science at the University of Texas.

George T. Little, University of Vermont, has been granted a leave of absence to accept the position of professor of government in the National Political University, Taipei, Taiwan.

William S. Livingston has resumed his associate professorship at the University of Texas, having served as visiting lecturer at Yale University during the fall semester, 1955-56.

Harvey C. Mansfield, Ohio State University, will be a member of the Columbia University summer session staff.

Harris Martin, Stanford University, is a member of the San Jose State College staff for the academic year 1956-57.

James A. McConnell has been appointed professor of agricultural industries at Cornell's Graduate School of Business and Public Administration as of February 1, 1956. Professor McConnell was formerly Assistant Secretary of Agriculture and Executive Vice-President of the Cooperative Grange League Federation, Inc.

David W. Miner, University of California, has accepted an appointment as instructor of government in the School of General Studies at Columbia University.

Allan S. Nanes has been promoted to the position of assistant to the deputy director for research, Legislative Reference Service, Library of Congress.

Edward R. O'Connor, who received his Ph.D. in 1954 at the University of Notre Dame, has accepted an appointment as instructor in the department of government,

University of Texas, effective the spring semester of 1956.

Edward R. Padgett was appointed to a position in the department of government and politics in the University of Maryland overseas program.

Paul A. Pfretzschner, Lafayette College, has been promoted to associate professor of government and law as of February 1, 1956. In addition to his regular work this year, Professor Pfretzschner is giving a course in the Institute of Local Government at the University of Pennsylvania. He will teach at the summer session at the University of Buffalo.

Emmette S. Redford, University of Texas, has been appointed to a research assignment for the fall semester 1956-57 to prepare a study of government regulation of economic enterprise.

Harry W. Reynolds, Jr., formerly of the University of Pennsylvania, has been appointed visiting assistant professor of public administration at the University of Southern California.

Fred W. Riggs, Yale University, has been appointed associate professor of government at Indiana University beginning in the fall of 1956.

Henry L. Roberts has been appointed director of the Russian Institute at Columbia University.

Heinrich A. Rommen, Georgetown University, has received an appointment as exchange professor at the law faculty of the University of Frankfurt for the spring semester, 1956 and as a Fulbright lecturer in political science to the University of Nijmegen, Netherlands, for the academic year 1956-57.

David N. Rowe, professor of political science at Yale University, will return in September after two years in Formosa.

Dankwart A. Rustow, Princeton University, will be a member of the staff of the Center of Turkish Studies at Columbia University during the year 1956-57.

John A. Schutz, Whittier College, has been

promoted to the rank of full professor in the department of political science and international relations.

Robert A. Shanley, formerly instructor at the University of Detroit, has been appointed associate professor of political science at Oglethorpe University.

Allan P. Sindler has been promoted to assistant professor of political science, Yale University.

Ward Stewart, assistant commissioner of education, U. S. Department of Health, Education, and Welfare, has been appointed professorial lecturer on the part-time faculty of the American University.

Melvin P. Straus, formerly of the University of Illinois, has been appointed instructor in political science at the University of Texas.

William L. Strauss, formerly with The Fund for the Republic, Inc., has accepted a position as associate professor of political science at Arizona State College beginning in the academic year 1956-57.

Loren E. Tesdell, formerly of Stanford University, has been appointed instructor in political science at the University of Texas.

Kenneth N. Waltz has been promoted to assistant professor in the government department of Columbia College.

Earl Warner, Ohio Wesleyan, has been appointed to the rank of associate professor and has been reappointed chairman of the department of political science for a two-year period ending June, 1958.

Frédéric A. Weed, of the department of social

sciences, Northern Illinois State College, has accepted a position in the department of political science, San Jose State College, effective September 1, 1956.

Henry Wells will join the political science department of the University of Pennsylvania as an associate professor. Professor Wells is presently an associate professor of political science and chairman of the political science staff at the University of Puerto Rico.

Philip M. Williams, Jesus College, Oxford, has accepted an invitation to join the department of public law and government at Columbia University during the academic year 1956-57.

Richard B. Wilson was appointed to a position in the department of government and politics in the University of Maryland overseas program.

James R. Woodworth, who recently received his Ph.D. from Harvard University, has become assistant professor of social studies at Miami University.

Paul W. van der Veur has been appointed assistant professor at the University of Hawaii.

Richard W. Van Wageningen will take leave of absence from Princeton University to join the civilian faculty of the National War College in Washington, D. C. for the year 1956-57.

Gerard F. Yates, S.J., professor of government at Georgetown University, is in charge this year of Georgetown's newly established Junior Year Abroad program at the University of Fribourg, Switzerland. He is also visiting professor at Fribourg for the year 1955-56.

### IN MEMORIAM

William Madison Boyd, chairman of the department of political science at Atlanta University, died on March 10, 1956 at the age of thirty-nine after a long illness. Dr. Boyd had his A.M. and his Ph.D. from the University of Michigan.

Dr. Ernst H. Feilchenfeld, professor of international law and chairman of the Institute

of World Polity, Georgetown University, died of a heart attack on March 25. A great Jew, a great German, and a great American, he embodied the most profound elements of all three civilizations in his remarkable career as a writer, advisor, and teacher. As a young man, his brilliant career at the University of Berlin was interrupted by the First World War. Although he fought at Verdun, in Silesia, and in

Palestine, he never became the proverbial "professional" war veteran and military expert. He used to say jokingly, "Wherever I arrived, the front collapsed immediately."

Dr. Feilchenfeld completed his studies at Berlin, where he obtained his J.U.D. as well as the legal offices of assessor and referendar. Disturbed by trends in German society, he moved to England and finally to the United States, where he became a citizen in 1935.

At Harvard Law School, Professor Feilchenfeld became a leading figure in a new field which he did much to establish, namely: international economic law. During World War II, he went to the Treasury Department where he worked for what he insisted upon calling the Board of Economic "Illfare." By 1944 Dr. Feilchenfeld came to Georgetown where, at

last, his wanderings ceased. His reputation rested upon his many publications in the field of international law.

Dr. Feilchenfeld will be missed by many eminent statesmen, scholars, and public servants who enjoyed his friendship and advice for so many years. Surely the Cosmos Club in Washington, D. C. will be different without him. But his greatest contribution lay in the inspiration and guidance which he lavished upon his students. It was moving but hardly surprising to listen to the many students who came to pay their last respects to Dr. Feilchenfeld. They all said substantially the same thing: "He had a great influence on my life; he was like a father to me." Surely these devoted students are his greatest legacy.—

WILLIAM V. O'BRIEN

## SPECIAL ANNOUNCEMENTS

### REPORT OF NOMINATING COMMITTEE

At the annual meeting of The American Political Science Association, to be held September 6-8, 1956 in Washington, D.C., the Committee on Nominations will propose the following officers for 1956-57: *President-Elect*, V. O. Key (Harvard University); *Vice-Presidents*, Carl Brent Swisher (Johns Hopkins University), Wilfred Binkley (Ohio Northern University), Albert Lepawsky (University of California, Berkeley); *Secretary*, Gladys Kammerer (University of Kentucky); *Treasurer*, Max Kampelman (Washington, D.C.); *Members of the Council* for two years, William T. R. Fox (Columbia University), Ruth Weintraub (Hunter College), John D. Lewis (Oberlin College), Thomas Eliot (Washington University, St. Louis), Alexander Heard (University of North Carolina), York Willbern (University of Alabama), Allan Saunders (University of Hawaii), Christian Larsen (Sacramento State College).



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## WOODROW WILSON AS LEGISLATIVE LEADER AND ADMINISTRATOR\*

ARTHUR W. MACMAHON

*Columbia University*

A portrayal of Woodrow Wilson's legislative leadership and administrative methods has more uses than as a reminder of achievements durably impressive in themselves. His practice partly answered his own unresolved thinking about the presidency; in turn it implied theories that serve as foils in looking at later developments. The centennial of Wilson's birth is a fitting time to recount the story drawing on memoirs that accumulated after his death. The emphasis may well be on domestic policy in view of the greater attention that has been given to Wilson's role in war and peace.

### I

First we must examine the prior development of Wilson's thinking about the presidency. Our concern is the working conception of the office of American elected chief executives that he had come to hold by the time of his full entrance into public life.

As a college senior Wilson wrote on "Cabinet Government in the United States."<sup>1</sup> He deplored, as real cause of solicitude and doubt, "the absorption of all power by a legislature which is practically irresponsible for its acts." What would be the remedy for government "practically carried on by irresponsible committees"? The remedy would be Cabinet government, meaning "simply to give to the heads of the

\* A discussion of certain points in this paper appears in the report of *Lectures and Seminar at the University of Chicago, Jan. 30-Feb. 3, 1956 in Celebration of the Centennial of Woodrow Wilson*, pp. 267-93.

<sup>1</sup> *International Review*, Aug. 1879, Vol. 7, pp. 146-163. The text is given in R. S. Baker and W. E. Dodd, ed., *The Public Papers of Woodrow Wilson. College and State*. (New York, Vol. 1, pp. 19-42). Also republished in booklet form with an introductory chapter by Thomas K. Finletter. (Stamford, Conn, 1947.) The Wilson centennial has been marked by the publication of a volume of selections from his speeches and writings, edited by August Heckscher, *The Politics of Woodrow Wilson*, (New York, 1956).

Executive departments—the members of the Cabinet—seats in Congress, with the privilege of the initiative in legislation and some part of the unbounded privileges now commanded by the Standing Committees.” At the time, milder versions of this general idea were in the air. In 1864 a select committee of the House of Representatives under the chairmanship of George H. Pendleton of Ohio reported his bill “to provide that the heads of Executive Departments may occupy seats on the floor of the House of Representatives.”<sup>2</sup> Part of the original rationale was the argument that the executive branch had too many personal influences in Congress; then as later men disputed whether the effect of the proposed arrangement would strengthen or weaken the chief executive. In 1879, Mr. Pendleton, by then a Senator, introduced a bill to provide “that principal officers in each of the Executive Departments may occupy seats on the floor of the Senate and House of Representatives.” In 1881 he succeeded in his motion to have it referred to a select committee of ten members, by whom it was favorably viewed.<sup>3</sup> Meanwhile Gamaliel Bradford notably was calling attention to this type of proposal; his plea was echoed, for example, in an article in 1873 on the question “Shall the Cabinet have seats in Congress?”<sup>4</sup> But Wilson in his own essay in 1879 warned the advocates that they deceived themselves if they did not recognize that the system would involve cabinet resignation. He suggested that “whether or not the presidential term should, under such a change of conditions, be lengthened would be one of several practical questions which would attend the adoption of a system of this sort.”

The same belief that the defects in the American structure were not self-adjusting and the same remedy, without a precise formula, marked Wilson’s writings in the early Eighties. In an essay in 1884 he declared roundly: “Committee government is too clumsy and too clandestine

<sup>2</sup> H.R. 214. 38th Congress, H. Rept. 43, April 6, 1864. For discussion March 3, 1865, see *Congressional Globe*, 38th Congress, 2nd Sess., new series no. 82 *App.*, pp. 103–108. The bill provided that, in addition to giving department heads the right to attend at any time and “to participate in matters relative to the business of their departments,” they must come twice a week “to give information in reply to questions which may be propounded to them under the rules of the House.” Pendleton himself said: “If I believed that it would increase the power of the Executive I would abandon it at once.”

<sup>3</sup> S. 227; 46th Congress, 1st Sess., discussed in an interchange between Senators Pendleton and Morrill on April 28, 1879, *Congressional Record*, Vol. 9, pp. 966–74; reported favorably by a select committee of ten on February 4, 1881, 46th Congress, 3rd Sess., Vol. 11, p. 1201, S. Rept. 837. Reintroduced without result as S. 307 in the 47th Congress, 1st Sess., Vol. 13, p. 53, Dec. 8, 1881.

<sup>4</sup> *Nation*, April 3, 1873, Vol. 16, pp. 233–34. “Mr. Bradford,” it said, “thinks that the true way is to give cabinet ministers seats in Congress. His idea is that by this means we can secure what is so much needed, ‘national representation’.” See Arthur S. Link, *Wilson, The Road to the White House*. (Princeton, 1947), p. 17.

a system to last . . . English precedent and the world's fashion must be followed in the institution of Cabinet Government in the United States."<sup>5</sup> His first book, *Congressional Government*, completed in 1884 and published in 1885, was less imperative; it was proposive only by implication. "I am pointing out facts," he wrote, "diagnosing, not prescribing remedies."<sup>6</sup> The preface announced that the purpose of the book was to reveal the contrast between two principal types of government: "administration by semi-independent executive agents who obey the dictation of a legislature to which they are not responsible, and administration by executive agents who are the accredited leaders and accountable servants of a legislature virtually supreme in all things." The depth of the desired reorganization was indicated by the remark that "the Constitution is not honored by blind worship." The direction of change was indicated by pointing to the need to apply "with the unhesitating courage of conviction all thoroughly-tested or well-considered expedients necessary to make self-government among us a straightforward thing of simple method, single unstinted power, and clear responsibility".<sup>7</sup>

In 1893, in an article in the *Review of Reviews* on "Mr. Cleveland's Cabinet," Wilson was saying: "What we need is harmonious, consistent, responsible party government instead of a wide dispersion of function and responsibility; and we can get it only by connecting the President as closely as may be with his party in Congress. The natural connecting link is the cabinet."<sup>8</sup> A few years later, in a talk before the Virginia Bar Association in 1897, Wilson asked: "Should we not, on the one hand, give the individual leaders of opinion in Congress a better chance to have an intimate part in determining who should be President, and the President, on the other hand, a better chance to approve himself a statesman, and his advisers capable men of affairs, in the guidance of Congress?"<sup>9</sup> Only the second part of the question seemed to be covered by his answer: "This will be done when the Executive is given an authoritative initiative in the Houses."

Significantly, Wilson was now talking about the presidency in terms

<sup>5</sup> "Committee or Cabinet Government," *Overland Monthly*, Jan. 1884, series 2, Vol. 3, pp. 17-33. The essay is given in Baker and Dodd, *op. cit.*, Vol. 1, pp. 95-129.

<sup>6</sup> *Congressional Government*. (Boston, 1885), p. 315. A new preface was written for the fifteenth impression in 1900 and an introduction by Ray Stannard Baker for the impression of 1925.

<sup>7</sup> *Ibid.*, p. 332.

<sup>8</sup> *Review of Reviews*, April 1893, Vol. 7, pp. 286-97; reprinted in Baker and Dodd, *op. cit.*, Vol. 1, pp. 198-222.

<sup>9</sup> *Leaderless Government*. (Richmond, 1897.) Reprinted in Baker and Dodd, *op. cit.*, Vol. 1, pp. 336-59.

of "the nationalization of the motive power of the government, to offset the economic sectionalization of the country." For, he argued, the great structural defect was "that Congress is the motive power in the government and yet has in it nowhere any representative of the nation as a whole."

The final stage in a considerable shift of emphasis and outlook on the presidency can be seen in the new prefatory note to the fifteenth edition of *Congressional Government* in 1900 and forcefully in a magazine article two years later. "Once more," wrote Wilson, "it is our place among the nations that we think of; once more our Presidents are our leaders."<sup>10</sup>

The lectures in 1907 that were published in the next year as *Constitutional Government in the United States* were Wilson's last academic formulation. The book repeats the view that the war with Spain and related changes had altered the balance of the parts in American government. "Foreign questions became leading questions again, as they had been in the first days of the government, and in them the President was of necessity leader."<sup>11</sup> What is needed in the presidency, more than actual experience, Wilson argued, is some one "who will be and will seem to the country in some sort an embodiment of the character and purpose it wishes its government to have."<sup>12</sup>

Especially important in appraising Wilson's outlook on the relative nature of legislative and administrative responsibilities was his declaration that "it is therefore becoming more and more true, as the business of the government becomes more complex and extended, that the President is becoming more and more a political and less and less an executive officer." Wilson summarized it this way: "His executive powers are in commission, while his political powers more and more center and accumulate upon him and are in their very nature personal and inalienable."<sup>13</sup> As a corollary he believed that under a self-reliant President "the cabinet is an executive, not a political body."<sup>14</sup>

Such a political role for the President involves the problem of telescoped relations to party and to nation. The President, Wilson declared in *Constitutional Government*, "cannot escape being the leader of his party except by incapacity and lack of personal force, because he is at once the choice of the party and of the nation."<sup>15</sup> He went on to say:

<sup>10</sup> "The Ideals of America," *Atlantic Monthly*, Dec. 1902, Vol. 90, pp. 721-34. Reprinted in Baker and Dodd, *op. cit.*, Vol. 1, pp. 416-42.

<sup>11</sup> *Constitutional Government in the United States*. (New York, 1908), p. 59.

<sup>12</sup> *Ibid.*, p. 65.

<sup>13</sup> *Ibid.*, pp. 66-67.

<sup>14</sup> *Ibid.*, p. 76.

<sup>15</sup> *Ibid.*, p. 67.

"No one else represents the people as a whole, exercising a national choice; and inasmuch as his strictly executive duties are in fact subordinated, so far at any rate as all detail is concerned, the President represents not so much the party's governing efficiency as its controlling ideals and principles. . . . He can dominate his party by being spokesman for the real sentiment and purpose of the country, by giving direction to opinion, by giving the country at once the information and the statements of policy which will enable it to form its judgments alike of parties and of men."

Wilson himself, at this stage in his writing, left choices open and the issues of relationship somewhat blurred. The President, he indicated, "may be both the leader of his party and the leader of the nation, or he may be one or the other. If he lead the nation, his party can hardly resist him. His office is anything he has the sagacity and force to make it."<sup>16</sup> We shall return to this problem of party and nation when we trace Wilson's own choices in office and the working theory implicit in his statements to Congress and to the country.

While he was Governor of New Jersey and already a possible presidential candidate, Wilson remarked in an address before the Commercial Club of Portland, Oregon: "The whole country, since it cannot decipher the methods of its legislation, is clamoring for leadership; and a new role, which to many persons seems a little less than unconstitutional, is thrust upon our executives. The people are impatient of a President or a governor who will not formulate a policy and insist upon its adoption. They are impatient of a governor who will not exercise energetic leadership, who will not make his appeals directly to public opinion and insist that the dictates of public opinion be carried out in definite legal reforms of his own suggestion." It was indeed a prospectus typical of the times; Charles Evans Hughes in New York was talking and acting in these terms. Wilson's own state leadership helped to make it typical.

On the eve of entering the White House, Wilson dealt with the presidency in a public letter to A. Mitchell Palmer.<sup>17</sup> The purpose was to sidetrack a proposed amendment for a single six-year presidential term. This proposal had been endorsed by the Democratic platform and a resolution of amendment had passed the Senate on February 1, 1913.<sup>18</sup> In opposing it, Wilson pointed to what he believed was the transitional condition and the still uncertain destination of the presidency. Such uncertainty, he argued, made any early constitutional amendment un-

<sup>16</sup> *Ibid.*, p. 69.

<sup>17</sup> The text appeared in the daily press of Feb. 6, 1913. It is given in Baker and Dodd, *op. cit.*, Vol. 1, pp. 21-26.

<sup>18</sup> *Congressional Record*, 62d Congress, 3d sess., Vol. 49, p. 2420.

desirable. "I must speak with absolute freedom and candor in this matter, or not speak at all," Wilson wrote, "and it seems to me that the present position of the Presidency in our actual system, as we use it, is quite abnormal and must lead eventually to something very different." Why, he asked, should the President, who is expected to be the leader of the party and spokesman of policy, be responsible to no one for four years, let alone six? "Sooner or later, it would seem, he must be made answerable to opinion in a somewhat more informal and intimate fashion—answerable, it may be, to the Houses whom he seeks to lead, either personally or through a Cabinet, as well as to the people for whom they speak." He added: "But this is a matter to be worked out—as it inevitably will be—in some natural American way which we cannot yet even predict."

To speak in these vague terms in February 1913 was probably both tactical and honest. It bulwarked the argument that the presidency was in unresolved transition while, equally unresolved for Wilson, it retained elements of his earlier preoccupation. It left Wilson free to emphasize what was immediate and practical: that the President "is expected by the Nation to be the leader of his party as well as the Chief Executive Officer of the Government, and the country will take no excuses from him." This assumption was the basis for the crucial point in the argument. "The present fact," Wilson wrote, "is that the President is held responsible for what happens in Washington in every large matter, and so long as he is commanded to lead he is surely entitled to a certain amount of power—all the power he can get from the support and convictions and opinions of his fellow countrymen and he ought to be suffered to use that power against his opponents until his work is done." Limiting the President to a single six-year term, he argued, would seriously embarrass the fighting power of a President who is a true spokesman for the people.

## II

In such passages we were given a working plan on the eve of its memorable application. Thereafter we can glean only the barest hints of Wilson's later thinking about constitutional change. There is little to offset the verdict that as man of action he helped history to pronounce: namely, that the practice of presidential leadership reduced the possibility of using the presidency as a passive pivot for evoking legislatively responsible cabinets.

As for clues to Wilson's later thinking about responsibility, it is true that on November 5, 1916, before the election, he wrote to Secretary Lansing that, if Hughes was elected, he proposed to appoint him Secre-

tary of State and then to resign along with the Vice President so that Hughes could become President without delay. "All my life long," Wilson wrote to Lansing, "I have advocated some such responsible government for the United States as other constitutional systems afford as of course, and as such action on my part would inaugurate, at least by example. Responsible government means government by those whom the people trust, and trust at the time of decision and action. The whole country has long perceived, without knowing how to remedy, the extreme disadvantage of having to live for four months after an election under a party whose guidance had been rejected at the polls."<sup>19</sup> But President Wilson was speaking here of a special aspect of the problem of responsibility. The Twentieth Amendment has eased this angle of the problem by shortening the interregnum.

On the question of President Wilson's ultimate views about political responsibility through a cabinet, David F. Houston reported that "after he went to Washington, I never heard him refer to the proposal."<sup>20</sup> Houston added his guess that "Wilson had never really thought through this problem which interested him for so many years." Houston did not believe that Woodrow Wilson quite realized how far his own successful practice of his immediate working code had helped to remove the dilemma by closing the doors on any other course for the presidency.

Against this glancing evidence must be put the equally slight clue given by Colonel House's dictated diary note about a dinner conversation with the President on April 29, 1917.<sup>21</sup>

"The President," House recorded, "declared his intention of writing some things which were on his mind, after he retired from office. . . . He said he had no notion of writing about his administration, but expressed a desire to write one book which he has long had in mind and which he thought might have some influence for good. . . . He talked of the proposed book and its contents. I thought that if he would bring out clearly the necessity for a more responsive form of government, and the necessity for having Cabinet members sit in the House of Representatives, it would be worth while. He agreed that if the Cabinet officers sat in the House, the outcome would be that the President would have to take his material for the Cabinet from Congress. This, in the end, would give the Cabinet more power, and would have the

<sup>19</sup> Ray Stannard Baker, *Woodrow Wilson, Life and Letters*. (Garden City, 1927-1939), Vol. 6, p. 292-93. Baker remarks: "There is no doubt that he would have carried out his purpose of resigning in case Hughes had been elected." p. 293.

<sup>20</sup> David F. Houston, *Eight Years with Wilson's Cabinet*. (Garden City, 1926), Vol. 2, p. 198.

<sup>21</sup> *The Intimate Papers of Colonel House*. Arranged as a Narrative by Charles Seymour. (Boston, 1928), Vol. 3, p. 47.



further effect of bringing into Congress the best talent in the country. It would eventuate in something like the British system.' But what we have quoted is Colonel House, self-consciously leading; it is not Woodrow Wilson speaking directly. Moreover, so far as the report goes and is accurate, it merely says that the President "agreed" about the consequences likely to follow the imagined first step. It does not necessarily commit the President to belief in these ultimate consequences.

As for Wilson's later plans for writing, we have Edith Wilson's word that, in the course of comparing various places to live after leaving the White House, "eventually Washington was decided on for these reasons, mainly: (1) the Library of Congress afforded the facilities which my husband wished to use while writing a book he had long had in mind; and (2) it was home to me."<sup>22</sup> But of the imagined content of such a book we have only the further comment that "this book which Mr. Wilson wanted to write was on the subject of Government" and that, tragically, only one page of it was ever written. This was a dedicatory page written in the White House in 1921 and handed to Mrs. Wilson with the smiling remark, as she recalled it: "I have written the dedication to the book on Government for which I have been preparing all my life and which now I will have leisure to do." Only one published article, however, came from him before his death—an essay in the *Atlantic Monthly* of August, 1923, on "the Road Away from Revolution."<sup>23</sup>

### III

A more practical issue was the way Wilson as President conceived and dealt with the interfused, double representative roles of the office. Undoubtedly his inaugural address stated the core of his thought about the instrumental relation of majority processes and party rule to the changing national consensus. "The success of a party," he said on March 4, 1913, "means little except when the Nation is using the party for a large and definite purpose. No one can mistake the purpose for which the Nation now seeks to use the Democratic Party. It seeks to use it to interpret a change in its own plans and point of view."<sup>24</sup> The

<sup>22</sup> Edith Bolling Wilson, *My Memoir*. (Indianapolis, 1939), p. 308.

<sup>23</sup> The text is given in Baker and Dodd, *op. cit.*, Vol. 2, pp. 536-39. In this essay he wrote: "Everyone who has an intelligent knowledge of social forces must know that great and widespread reactions like that which is now unquestionably manifesting itself against capitalism do not occur without cause or provocation; and before we commit ourselves irrevocably to an attitude of hostility to this movement of the time, we ought frankly to put to ourselves the question, Is the capitalistic system unimpeachable? which is another way of asking, Have capitalists generally used their power for the benefit of the countries in which their capital is employed and for the benefit of their fellow men?"

<sup>24</sup> The text of the address is given in Baker and Dodd, *op. cit.*, Vol. I, pp. 1-6.

same conception was reflected in a magazine article—an interview, perhaps, it should be called—that appeared on March 8. “I am bidden,” he said, “to interpret as well as I can the purposes of the people of the United States, and to act, in so far as my purpose determines the action, through the instrumentality of persons who likewise represent that choice.” He drew the conclusion: “. . . I shall not be acting in a partisan spirit when I nominate progressives—and only progressives. I shall be acting as a representative of the people of this great country.”<sup>25</sup>

We shall have occasion in examining Wilson’s legislative methods to note the importance of his decision to work with the regular leaders and officers of the Democratic Party in Congress. This crucial choice of tactics was qualified but not renounced in such statements as his remark in a Jackson Day talk in January, 1915, “that politics in this country does not depend any longer upon the regular members of either party.”<sup>26</sup> He contended that the Democratic Party was two-thirds “progressive,” the Republican Party one-third “progressive.” In the spring of 1916 he said at a Jefferson Day banquet: “Party politics, my friends, sometimes plays too large a part in the United States. . . . This country demands service which is essentially and fundamentally non-partisan.” He added that he was referring as much to domestic as to foreign affairs. “For in saying non-partisan I do not mean merely as between parties and political organizations, but also and more fundamentally as between classes and interests.”<sup>27</sup>

Later, in the congressional campaign of 1918, the President’s appeal for the return of a Democratic majority seemed to project something long and deep in his thinking about party responsibility. The recollections of his cabinet associates indicate that they understood his appeal would be couched in terms of support for his policies.<sup>28</sup> Colonel House, however, noted in his diary on September 24: “. . . The President spoke of politics in general and expressed an earnest desire that a Democratic Congress should be elected. He said that he intended making a speech or writing a letter about two weeks before the elections, asking the people to return a Democratic House.”<sup>29</sup> The diary entry added: “I did not express any opinion as to the wisdom of this.” On October 25, when the President’s statement was issued and before the election, House did confide to his diary that he was “greatly disturbed by the President’s appeal” and that “I am sorry now I did not discuss it with him

<sup>25</sup> *Collier’s Weekly*, March 8, 1913, Vol. 50, p. 8. Baker and Dodd, *op. cit.*, Vol. 1, pp. 27–30.

<sup>26</sup> Baker and Dodd, *op. cit.*, p. 238.

<sup>27</sup> Baker and Dodd, *op. cit.*, Vol. 2, p. 144.

<sup>28</sup> Baker, *op. cit.*, Vol. 8, pp. 513–14.

<sup>29</sup> *The Intimate Papers of Colonel House*, Vol. 4, p. 68.

to a finish."<sup>30</sup> It is true the President's statement on October 25 sought to avoid the charge that he was complaining of lack of support of the war.<sup>31</sup> "I have no thought," he said, "of suggesting that any political party is paramount in matters of patriotism." But his appeal was frankly in terms of party. He went on to say that "the leaders of the minority in the present Congress have unquestionably been prowar, but they have been anti-administration." He charged that they had been constantly seeking "to take the choice of policy and the conduct of the war out of my hands and put it under the control of instrumentalities of their own choosing." Pleading that "this is no time either for divided counsel or for divided leadership," the President said to the voters: "If you have approved of my leadership and wish me to continue to be your unembarrassed spokesman in affairs at home and abroad, I earnestly beg that you will express yourselves unmistakably to that effect by returning a Democratic majority to both the Senate and the House of Representatives." It should be noted that the President based this appeal largely on the importance of being unembarrassed by divided counsel and controls. There was no commitment to stop striving when he added: "I am your servant and will accept your judgment without cavil, but my power to administer the great trust assigned me by the Constitution would be seriously impaired should your judgment be adverse, and I must frankly tell you so because so many critical issues depend upon your verdict."

Writing later in a personal letter, Wilson said of his action: "I have no idea that the President is sacrosanct in any way, and being the leader of the country and under our system necessarily the leader of a party, he certainly ought not to be rendered dumb on a point of taste at a critical moment."<sup>32</sup>

Woodrow Wilson himself recognized the relation of the moving consensus of cumulative thinking and agitation to the legislative dynamic of party action and executive leadership within and through a party. In a letter to an intimate friend on April 23, 1911, toward the close of the fruitful New Jersey legislative session of Wilson's first year as governor, he had written that it was "just a bit of natural history. I came to the office in the fullness of time, when opinion was ripe on all these matters, when both parties were committed to these reforms, and by merely standing fast, by never losing sight of the business for an hour,

<sup>30</sup> Tumulty's account indicates the President's impression after the original conversation was "that he and Colonel House had finally agreed that the thing to do was frankly to come out without preliminaries of any kind and boldly ask for the election of a Democratic Congress." *Woodrow Wilson as I Know Him*. (Garden City, 1921), p. 326.

<sup>31</sup> The text is given in Baker and Dodd, *op. cit.*, Vol. 1, pp. 286-287.

<sup>32</sup> Baker, *op. cit.*, Vol. 8, p. 552.

but keeping up all sorts of (legitimate) pressure *all the time*, kept the mighty forces from being diverted or blocked at any point."<sup>33</sup> Governor Wilson's contemporary view of himself was echoed by Arthur S. Link as historian: "He succeeded because he marshaled into a coherent unit the force of public opinion, because he was a competent party leader, but above all because the necessary fundamental agitation had already been accomplished by other men."<sup>34</sup>

To say that Woodrow Wilson learned his politics in New Jersey (as he said) and revealed there his methods of leadership in their relation to a critical stage in the maturing of agreement does not deny important differences in the depth of controversy on state and national issues. Moreover, important and bitter choices remain even when there is general agreement that something must be done about some long-discussed matter—currency, say. Harvesting—even if it were no more than that—is not the least nor the least chancy of the skills of husbandry.<sup>35</sup>

In foreign affairs things were reversed; he sowed but he did not contrive to harvest.

#### IV

It is timely to pass to a closer examination of the methods of legislative leadership followed by President Wilson and to note his staff equipment for a role which, as has been said, he viewed as distinctively political. Later (having noted some of his working habits) we shall turn to the administrative views and methods of the man who in 1887 wrote a pioneering essay on the importance of administration and its study in the modern state.

"Woodrow Wilson," Lawrence Chamberlain has remarked, "was the first President to develop systematically the legislative powers of his office. Coming in a period of peace and prosperity, his first administration offered an unusually favorable climate in which to test the theory of presidential synthesis and he was equipped by training, experience, and purpose to develop his concept of the office to its fullest."<sup>36</sup> This

<sup>33</sup> Baker, *op. cit.*, Vol. 3, p. 170.

<sup>34</sup> Wilson, *The Road to the White House*. (Princeton, 1947), p. 272.

<sup>35</sup> In domestic affairs, the war lacking, the dynamic of progressivism was hardly exhausted although William Diamond, *The Economic Thought of Woodrow Wilson* (Baltimore, 1943), p. 126, remarks that "With the passage of the Clayton Act, the New Freedom had reached its climax. . . ." I think we may discount Wilson's indication in the autumn of 1914 that the economic program was practically complete and that much that remained was for the states to do. See Baker, *op. cit.*, Vol. 5, p. 198. See also Arthur S. Link, *Woodrow Wilson and the Progressive Era*. (New York, 1954.)

<sup>36</sup> L. H. Chamberlain, *The President, Congress, and Legislation*. (New York, 1946), p. 17.

statement is doubtless true both in point of Wilson's historic contribution in the development of legislative leadership and also in point of the relative importance of domestic statutory policy in 1913 and 1914.

It does not diminish the importance of the events of the early years to note Ray Stannard Baker's comment, which indeed Wilson whimsically anticipated in an off-hand remark before he took the oath of office, after a campaign in which foreign affairs were hardly mentioned. Baker remarked: "such was the irony of fate that from the cabinet meeting on March 7th until Congress assembled in April—and long afterwards—Wilson's attention was largely absorbed by the clamorous problems of Mexico, China, Japan, Panama, the Philippine Islands, Nicaragua."<sup>37</sup> Along the same line, David Houston, Secretary of Agriculture, in a notation on May 20, 1913, about cabinet meetings, wrote: "Somebody pointed out that all our discussions, or nearly all, had been over foreign matters; that domestic problems of importance such as the tariff and currency were never raised by the President. Lane, in particular, was critical. I pointed out that the President had evidently and of necessity given his thoughts primarily to pressing foreign questions, that he regarded this as his particular field, one in respect to which he had unusual powers and responsibilities, that he was evidently depending upon the heads of departments initially to handle domestic economic questions each in his particular field, and that he complimented us by presenting many matters for discussion and advice while some heads of departments did not."<sup>38</sup> Colonel House, of course, saw it from a different perspective. He dictated a grumbling note for his diary on June 24, 1915: "To my mind, the President has never appreciated the importance of our foreign policy and has laid undue emphasis upon domestic affairs. I thoroughly approved this up to the end of the special session of Congress, when the tariff, banking, and such other measures were involved. . . ."<sup>39</sup>

The methods by which the President advanced the domestic legislative program were of course varied. Nevertheless it is possible to identify certain main characteristics.

(1) President Wilson used his legislative influence selectively. He pushed one measure at a time. But the pressure kept coming. While the special session that met on April 7, 1913, was concentrating on the tariff, the House committees generally were not organized. Nevertheless the Committee on Banking and Currency was chosen so that Carter

<sup>37</sup> Baker, *op. cit.*, Vol. 4, p. 56.

<sup>38</sup> David F. Houston, *op. cit.*, Vol. 1, pp. 67-68.

<sup>39</sup> *The Intimate Papers of Colonel House*, Vol. 1, p. 177.

Glass (busy with a preliminary draft even before the election) could go ahead as duly constituted chairman. The tariff bill was not ready for signature until October but in late June the President addressed Congress on the need for banking legislation. In the field of antitrust, House hearings began in December, with the ground already laid in conversations with the Democratic leaders.<sup>40</sup> A presidential message in January indicated the five points for legislative action.

Overlapping selective pressure of this sort was an effective though partial answer to Wilson's long-standing complaint. "Legislation is conglomerate," he had written in 1885.<sup>41</sup> "The absence of any concert of action amongst the Committees leaves legislation with scarcely any trace of determinate party courses. No two schemes pull together."

(2) The President's legislative approach was studiously collaborative. In addressing Congress about the tariff on April 8, 1913, he opened by saying that the President should not be viewed as "a mere department of the Government hailing Congress from some isolated island of jealous power . . . that he is a human being trying to cooperate with other human beings in a common service." The President added that "after this pleasant experience I shall feel quite normal in all our dealings with one another."<sup>42</sup>

There were hazards in going to the Hill. As President-elect Wilson asked Josephus Daniels: "Did you ever hear of a President occupying a room in the Capitol called 'the President's Room'? What would be thought of it, if, instead of asking Senators with whom I wished to consult to call at the White House, I should occupy that room for such conferences?"<sup>43</sup> Daniels did not think the Senators would like it and he recalled later that Senator Simmons exclaimed: "My God . . . tell him not to do it. It would be resented by the Senators." But the favorable reaction to the personal delivery of his tariff message prompted the President to meet next day in the President's Room.

Ray Stannard Baker records illustratively the frequent and varied nature of the President's congressional contacts. "He was constantly receiving delegations of senators at the White House and he often visited the President's room at the Capitol. We have an account of one instance, June 12th, when he inquired for twenty-one senators, only seven of whom could be found. . . . On June 18th he was again at the Capitol conferring with twenty-three different Senators. He asked

<sup>40</sup> Chamberlain, *op. cit.*, p. 36.

<sup>41</sup> *Congressional Government*, p. 325.

<sup>42</sup> Baker and Dodd, *op. cit.*, Vol. 1, p. 32.

<sup>43</sup> Josephus Daniels, *The Wilson Era, Years of Peace 1910-1917*. (Chapel Hill, 1944) pp. 99-100.

to have a special telephone put in so that he might, on occasion, reach senators quickly and directly from the White House."<sup>44</sup>

(3) The President's legislative approach was frankly through party as the instrument for the reshaped purposes of the nation. In his tariff message he said: "I have called the Congress together in extraordinary session because a duty was laid upon the party now in power at the recent elections which it ought to perform promptly." In his message in June on banking legislation he said: "I have come to you, as the head of the Government and the responsible leader of the party in power, to urge action, now while there is time to serve the country deliberately and as we should, in a clear air of common counsel." Factional rifts reflecting different viewpoints within the party were clearly in sight on all the major early and outstanding legislative undertakings—the tariff, currency, and antitrust. "Nevertheless"—to quote John M. Blum's summary of a choice that was in fact many-sided—"in keeping with his theories of government, and on the advice of Burleson and Daniels, Wilson decided to work through his party rather than to attempt to construct a progressive coalition. The implementation of this decision called for the recognition of each important Democratic faction in the assignment of political largess. This worrisome task fell largely to Postmaster General Burleson, Secretaries Bryan and McAdoo, and Tumulty. . . ."<sup>45</sup>

(4) In seeking results through party, not coalition, the President chose to work with the regularly constituted party leaders and organs. The crucial demonstration of this tactic and its success was in bowing to seniority and accepting Senator Simmons as chairman of the Senate Finance Committee. Originally, facing protective tendencies in certain Southern and Western Democrats, the President had thought that an effort should be made to sidetrack Simmons in favor of a more militantly low-tariff chairman. He yielded to the counsel of Daniels and others, however, and gained in Simmons an unusually effective supporter in defending the reductions. Another example came during the war when the President relied on the help of Claude Kitchin who in 1914 replaced Oscar Underwood as Democratic floor leader in the House. Kitchin voted against the declaration of war and indeed (as Alex M. Arnett put it, in the mood of revisionist history writing in the Thirties) was "able, in fact, to lead a majority of his colleagues *almost* to the point of blocking the President's tragic course."<sup>46</sup> After hostilities began, however, Arnett notes, "Kitchin never questioned his duty to do

<sup>44</sup> Baker, *op. cit.*, Vol. 4, p. 123.

<sup>45</sup> *Tumulty and the Wilson Era*. (Boston, 1951), p. 69.

<sup>46</sup> Alex M. Arnett, *Claude Kitchin and the Wilson War Policies*. (Boston, 1937), p. viii.

all in his power, consistent with his principles, to prosecute the war to a successful conclusion."<sup>47</sup> Nothing came of the rumor that the President would throw his influence against Kitchin's reelection as floor leader. He was indeed approved unanimously by the Democratic caucus. On the President's side there was doubtless a favorable carry-over from his earlier attitude as described by Arnett: "Although their personal contacts were infrequent, Wilson was cordial toward Kitchin when they met, respected his judgment, and admired his sincerity."<sup>48</sup>

On the debit side, to be sure, a consequence of working through the regular party machinery was to deepen Southern influence. John Blum reminds us of Tumulty's growing concern about this condition. He concludes that "by 1917 it was too late to overcome the Southern predominance in Congress and in party councils."<sup>49</sup>

(5) The use of the caucus was a further feature of the plan of working through party, not coalition. On the tariff measure, a caucus of House Democrats in April, "after tumultuous debate,"<sup>50</sup> voted to support the bill and on the following day it was reported by the Ways and Means Committee, passing in the following month with only five Democrats against it. On the Senate side, where the majority in the chamber was a scant seven, the President was at first unsuccessful in his attempt to secure caucus endorsement. Later, however, the first Democratic senatorial caucus or party "conference" in many years discussed the tariff bill more than a fortnight and, in making it a party measure, substantially defended the integrity of the House bill. The currency bill was debated "behind closed doors"<sup>51</sup> in the House Democratic caucus for two days in September; the measure passed the House later that month by 287 to 85. In this caucus the administration bill had to face the dissident views of so potent a Democrat as the chairman of the Rules Committee. In securing overwhelming caucus support for a middle degree of central guidance in the proposed reserve system, the administration had Bryan's aid, especially after it was agreed that the Federal Reserve Board should be wholly public in membership, not partly banker-chosen.<sup>52</sup>

<sup>47</sup> *Ibid.*, p. 241.

<sup>48</sup> *Ibid.*, p. 41.

<sup>49</sup> Blum, *op. cit.*, p. 159.

<sup>50</sup> Chamberlain, *op. cit.*, p. 115.

<sup>51</sup> *Ibid.*, p. 319.

<sup>52</sup> Mrs. Bryan wrote in her diary in the spring of 1913: "One thing which pleases me is the constantly increasing cordiality between the President and Mr. Bryan. They work together so well. Will finds him so firm and courageous and so truly progressive." *The Memoirs of William Jennings Bryan*. By Himself and his Wife Mary Baird Bryan. (Philadelphia, 1925), p. 350.



In view of the President's public statement of his gratification at the action of the House committee and the caucus in handling the currency bill, it is a bit puzzling to read Carter Glass' recollections about the use of the caucus in pushing the currency bill in the Senate after a divided committee had reported the measure without recommendation. Glass recalled that Wilson was at first "disposed to assert vigorously his established aversion to 'rule by caucus.'" Glass' account goes on to emphasize the indispensability of caucus action. Had he persisted in his attitude, Glass writes, "there might have been no reform of the currency for years . . . the practical politicians finally convinced the President that there must be a caucus or abandonment of all hope for legislation."<sup>53</sup> So a "conference" was held and the President, Glass adds, "did the cleverest kind of work among the Senators in healing differences and imparting a new and militant spirit to the whole movement." As to the initial reluctance about a Senate caucus thus strangely attributed by Glass to the President, it is true that Wilson had always extolled open debate. In his first book he had discussed the caucus as a corrective of legislative incoherence but observed: "the fact that makes this defense of the caucus not altogether conclusive is that it is shielded from all responsibility by its sneaking privacy."<sup>54</sup> However it is doubtful whether these tentative scruples (conceived in his earlier writings against the background of an imagined main alternative) had much weight against the necessities and methods of 1913.

(6) Essential in the President's tactics was the well-timed public appeal. When the tariff bill faced a crucial test in the Senate hearings, Wilson, apparently without consulting either Cabinet or congressmen, gave to the press on May 26 his statement against rampant lobbies that could be offset only by an alert public opinion.

(7) The President was willing to fight for legislative proposals. In connection with the movement for merchant fleet development begun in 1914, Secretary of the Treasury McAdoo recalled that "when I saw the President again, he was strongly in favor of the plan that I had submitted. He handed me back the draft of the bill and said, with a smile, 'We'll have to fight for it, won't we?'"<sup>55</sup> McAdoo adds that when he replied, "We certainly shall," the President said, "Well, then, let's fight." The fight lasted eighteen months.

‡ But against this evidence of mood and manner may be put the sort of tone in Wilson's letter to Secretary of War Lindley Garrison on January 17, 1916, before the latter's resignation. The President wrote: "I am not irrevocably or dogmatically committed to any one plan of

<sup>53</sup> Carter Glass, *An Adventure in Constructive Finance*. (Garden City, 1927), p. 195.

<sup>54</sup> *Congressional Government*, pp. 328-29.

<sup>55</sup> William Gibbs McAdoo, *Crowded Years*. (Boston, 1931), p. 296.

providing the nation with such a reserve, and am cordially willing to discuss alternative proposals."<sup>56</sup> He added: "Any other position on my part would indicate an attitude toward the Committee on Military Affairs of the House of Representatives which I should in no circumstances feel at liberty to assume. It would never be proper or possible for me to say to any committee of the House of Representatives that, so far as my participation in legislation was concerned, they would have to take my plan or none."

(8) President Wilson's intervention in the legislative handling of particular measures was characteristically limited. During the debate on the tariff John Sharp Williams told the Senate that the President had actively concerned himself with decisions on two items only. One was clearly sugar, where firmness was needed against protective pressures from Louisiana and Colorado. Moreover, on other bills the President allowed leeway for permissive language that seemed unlikely to disturb the substantial policy the administration was advocating. Carter Glass recalled how they agreed to such a provision in the Federal Reserve Act. His account reports the President saying: ". . . if we can hold to the substance of the thing and give the other fellow the shadow, why not do it, if thereby we may save our bill?"<sup>57</sup>

Generally speaking, it may be said that in legislative leadership it was Woodrow Wilson's theory and practice, within a selective strategy in identifying certain policies for active support, to supply, not draftsmanship, but rather a stream of influence, public and personal, while he stood ready to aid in defending or adjusting a few crucial points. Illustratively, Henry Parker Willis, in his detailed story of the Federal Reserve Act, remarks in summary: "President Wilson's service to the country, important and absolutely fundamental as it was, had nothing to do with the development of any essential features of the measure and his most important effect upon its content was seen in the change made for the purpose of satisfying the Bryan element in the administration and in Congress." Willis added: "This statement in no wise underestimates the importance of President Wilson's service in connection with the adoption of the law—indeed it could never have become an act without his steady, persistent, and insistent support of it."<sup>58</sup>

<sup>56</sup> Houston, *op. cit.*, Vol. 1, p. 172.

<sup>57</sup> Glass, *op. cit.*, p. 125. As to this incident, Paul M. Warburg noted: "He threw Glass into consternation when he bought the support of the Bryan-Owen wing by permitting Federal Reserve notes to be issued as the obligation of the United States, but in doing so, in his own words, he 'surrendered the shadow but saved the substance.'" *The Federal Reserve System: Its Origin and Growth*. (New York, 1930), Vol. 1, p. 422.

<sup>58</sup> *The Federal Reserve System: Legislation, Organization and Operation*. (New York, 1923), pp. 531-32.

## V

The institutional staffing of the presidency under Woodrow Wilson reflected little of the innovation that he brought to the use of the office. The simplicity of the formal arrangements was indeed in line with his stress upon a political role that was inherently individual. The presidency was in transition but it remained for later administrations to witness the installation and development of apparatus for an office that, in conjunction with the times, Wilson so notably helped to remake. His own use of limited equipment was shaped to his working habits.

The routines of the presidency were left to Rudolph Forster, chief clerk under many prior Presidents, and to Irwin H. (Ike) Hoover, veteran White House usher.<sup>59</sup> "Assisting Forster were Thomas Brahany, his second in command, a head correspondence clerk, a head letter clerk, the chief of the telegraph and telephone systems, and a core of stenographers and filing clerks."<sup>60</sup>

Joseph P. Tumulty, Secretary to the President, was a different kind of pivot. His role projected traditional arrangements as well as an habituated personal relationship. Tumulty's post was indeed in course of transition. John Blum, in his appreciative and informing account of Tumulty's important contribution, points out that "Tumulty was the last man to carry this load alone. Today his duties are divided among almost a dozen men. He served longer and under more trying conditions than had Lamont, Cortelyou, or Loeb, his illustrious predecessors."<sup>61</sup> Blum adds that Tumulty's "capacity for hard work and his solid, often extraordinary achievements, moreover, can be appreciated fully only in the light of his extensive ex-officio activities in Democratic politics and as an adviser on the Administration's domestic and foreign policies."

Wilson had encountered Tumulty, progressive Democrat, in the 1910 New Jersey campaign. He welcomed his company on a speaking tour. As Governor-elect he was receptive when, at the prompting of James Kerney, editor of the Trenton *Evening News*, a former governor suggested that he make Tumulty his secretary.<sup>62</sup> Kerney himself later paraphrased Wilson's remark about the sense of need that guided the choice: "It was absolutely necessary that I should be associated with some one, if possible, who was more familiar with the intimate course of

<sup>59</sup> See Irwin H. Hoover, *Forty-two Years in the White House*. (Boston, 1934.)

<sup>60</sup> Blum, *op. cit.*, p. 58. We are indebted to Mr. Blum for much information drawn from some of the participants, from Joseph P. Tumulty's papers, and other sources. Tumulty's own book, *op. cit.*, illuminates the operating procedures only indirectly.

<sup>61</sup> Blum, *op. cit.*, p. 67.

<sup>62</sup> Blum, *op. cit.*, p. 26.

politics in the State than I myself. . . ."<sup>63</sup> As President-elect, Wilson seems never to have considered any one else for Secretary. Then as later he disregarded cavil about Tumulty's religious affiliation. Colonel House asked Tumulty how many letters were coming in hostile to Tumulty for the post of Secretary. He answered that there had been five or six hundred and also indicated that he had given this information (but not all the letters themselves) to the President-elect.<sup>64</sup> Only in 1916 did Wilson's relationship to Tumulty waver. At that time the incipient break seems to have reached the stage of a proffered appointment to the Board of General Appraisers—causing Tumulty surprise and consternation—while Colonel House started to make a canvass for a replacement in the post of Secretary.<sup>65</sup> If there was some lessening of confidence after this break was avoided, the change was a matter of degree into which many factors entered.

The screening of candidates is of the essence of politics. Appointments strike so deeply into administration, however, that, if for no other reason than Tumulty's devolved responsibilities in patronage, one must qualify the generalization that as Secretary he served the political rather than the managerial side of the presidency.

Within the official circle there were compromises to engineer. Josephus Daniels' recollections illustrate a phase of Tumulty's job by telling of his service when it seemed that Bryan might resign from the Cabinet if the provisions of the currency bill went too far against his principles. "It was largely through the good offices of Tumulty," Daniels remembered, "that conferences between Bryan, Glass, Owen, and McAdoo resulted in giving the appointment of all members of the board to the President, eliminating banker selection of part of the members. . . ."<sup>66</sup>

Another phase of Tumulty's job was partly summarized in the remark of Edward Hurley, head of one of the war agencies. "Joseph P. Tumulty," he wrote, "was the weather-vane of the Wilson administration."<sup>67</sup> He gave much time to analyzing opinion in the country. John Blum tells that "every day his staff clipped the leading newspapers and magazines from all over the country, arranged the clippings topically, and pasted them on long sheets of yellow paper. Every evening Tumulty took this 'Yellow Journal' home, studied it carefully, evaluated the importance of every item, and, when appropriate, wrote memoranda based on his findings to Wilson or to a responsible department head."<sup>68</sup>

<sup>63</sup> James Kerney, *The Political Education of Woodrow Wilson*. (New York, 1926), p. 84.

<sup>64</sup> *The Intimate Papers of Colonel House*, Vol. 1, p. 99.

<sup>65</sup> Blum, *op. cit.*, pp. 120-22.

<sup>66</sup> Daniels, *op. cit.*, p. 227.

<sup>67</sup> Edward N. Hurley, *The Bridge to France*. (Philadelphia, 1927), p. 317.

<sup>68</sup> Blum, *op. cit.*, p. 61.

In addition, among other ways, Tumulty was helped in gauging reactions in particular situations by the comments of journalists and the like who in effect often served as political scouts.

The other side was the informing and forming of opinion. Here lay the President's chief and certainly his ultimate weapon. The compression of his style was sometimes a handicap. Tumulty could serve as a coach on communicability. The President is reported to have told Ida M. Tarbell: "When it is especially important that I be understood, I try (the speech) on Tumulty, who has a very extraordinary appreciation of how a thing will 'get over the footlights.' He is the most valuable audience I have."<sup>69</sup>

Such assistance was the more important because of Wilson's embarrassments in dealing with newspapermen. He came before the time of radio and television; that was indeed ironic in view of the importance of direct public appeal in his leadership and the fact that temperamentally—as Ray Stannard Baker said—"he could be more intimate and confidential with five thousand people than with one."<sup>70</sup> Wilson broke ground by establishing the custom of biweekly press conferences. They were attended by a hundred or more reporters.<sup>71</sup> Later, however, these regular conferences were dropped. More and more press relations were left to Tumulty.

George Creel, in charge of wartime public information, was prompted by newspapermen to ask the President to renew the conferences. Wilson flatly refused. He said that he had "prepared for the conferences as carefully as for a Cabinet meeting and discussed questions of the day frankly and fully." He observed that "many men of brilliant ability were in the group, but I soon discovered that the interest of the majority was in the trivial and the personal. In the middle of an exposition of policy I would be asked about the sheep on the White House lawn . . ."<sup>72</sup> In any case he objected to what he called "conjectural journalism." One observer of Wilson's political development—an editor himself and Tumulty's collaborator in New Jersey—ventured the estimate that "for the major portion of his two terms in the White House he was seen less by newspaper people and confided less in them than any President since Cleveland or Harrison."<sup>73</sup>

<sup>69</sup> Blum, *op. cit.*, p. 60.

<sup>70</sup> Baker, *op. cit.*, Vol. 6, p. 265.

<sup>71</sup> Baker, *op. cit.*, Vol. 4, p. 229. "Previous to this time the press had had no formal status at the White House. . . . Wilson established and regularized the custom of meeting all the correspondents twice a week."

<sup>72</sup> George Creel, *Rebel At Large*. (New York, 1947), p. 233.

<sup>73</sup> Kerney, *op. cit.*, p. 344.

## VI

In surveying Wilson's working habits, we note at once his preference for written communications in his conduct of the presidency. This preference had been shown as governor; it deepened as the pressure increased. His stress on policy leadership led him to overcome it in legislative contacts but in administration he followed it. The method of the memorandum applied even to his relations with Tumulty. Tumulty's office was next to the President's in the west wing of the White House; he alone had free access. "He could come and go as he chose, but the President preferred to do business in writing. Tumulty therefore submitted his most significant suggestions in memoranda to which Wilson often appended a simple 'Okeh' or 'No'."<sup>74</sup> Moreover the written word suited Wilson's dealings with House, his volunteer confidential adviser, since House was more often at his apartment in New York or abroad than in Washington.

Creel, a sympathetic observer, saw in such procedure evidence of the President's cool analysis of his physical limitations, the magnitude of his task, and the need for quiet consideration. "Instead of the 'open door'," Creel wrote later, "interviews were confined to those of official importance, and personal approaches increasingly gave way to the submission of memoranda. In the quiet of his study at night, every suggestion received the painstaking attention of the President, but even this larger efficiency failed to soothe wounded vanities."<sup>75</sup>

In 1918, when David Lawrence asked for permission to watch the President through the course of a day in order to write about his executive work, the President replied that "I can't for the life of me think it out in any way that would be striking or effective. . . . The day seldom sounds impressive when summed up, because most of the questions which I have decided come to me in the form of memoranda to which I reply in writing. My interviews and consultations are chiefly with people who need not have taken my time, and lead to nothing except the gratification on the part of those who see me that they have had their say."<sup>76</sup> Of course there was the other side voiced by McAdoo when he wrote retrospectively about Wilson: "He was inclined, because, I think, of an innate and unsuspected shyness, to withhold himself too much from contact with people whom it was important for him to know and whose coöperation was highly desirable in the conduct of public business."<sup>77</sup> As McAdoo saw it, the President "had an incurable distaste

<sup>74</sup> Blum, *op. cit.*, p. 59.

<sup>75</sup> Creel, *op. cit.*, p. 232.

<sup>76</sup> Baker, *op. cit.*, Vol. 8, p. 25.

<sup>77</sup> McAdoo, *op. cit.*, p. 284.

for professional politicians; he did not understand their ways and did not wish to learn."<sup>78</sup> Ray Stannard Baker gives a different turn to this judgment about Wilson, admitting that "he was to learn in the hard school of experience that the best men were not always outside of politics: that training in public life, if the man was true at the core, often fitted him far better for important positions than the inexperienced 'good man'."<sup>79</sup>

Certainly Woodrow Wilson—disciplined, comprehending, and terse—suffered bores sadly. House recorded in his diary that he gave the following advice to T. W. Gregory when the latter was about to become Attorney General. "Never to go into long-winded arguments upon any subject, but to state his position in brief terms and never repeat. That when he and the President agreed upon a matter, never to give him reasons for so agreeing, as the President was too busy to listen to unimportant details. I was sure he would always be able to see the President whenever necessary if he did not burden him with unimportant and unnecessary verbiage."<sup>80</sup>

As a further comment on the President's ways of doing things, House noted in the late autumn of 1914: "The President is efficient in his manner of working. For instance, when we were discussing his message to the people concerning the Belgian Relief funds he said, 'Now let us decide what points are best to cover.' He took a telegraph blank having lines on it, and began to take down in shorthand the different points, he making some suggestions and I making others. There were about five points to be covered, and he asked me to think if that were all. When we concluded there was nothing more, he called his stenographer and dictated the message in full."<sup>81</sup> In passing, one notes the way one of Wilson's daughters described the preparation of some state papers: "first writing the substance on a single sheet of paper, partly in script and partly in shorthand, then again entirely in shorthand, making the final copy himself on his own typewriter on small sheets of thick paper. There were usually a few corrections, made in his fine, neat writing between the lines."<sup>82</sup> House closed his diary comment with the judgment: "He has one of the best ordered minds I have ever come in contact with, although he is always complaining of forgetfulness." The

<sup>78</sup> *Ibid.*, p. 523.

<sup>79</sup> Baker, *op. cit.*, Vol. 4, p. 35.

<sup>80</sup> *The Intimate Papers of Colonel House*, Vol. 1, p. 142.

<sup>81</sup> *Ibid.*, Vol. 1, p. 124.

<sup>82</sup> Eleanor Wilson McAdoo (in collaboration with Margaret Y. Gaffey), *The Woodrow Wilsons*. (New York, 1937), p. 246.

latter characteristic is mentioned by Arthur Link: "He had a notoriously bad memory for details. All of his friends testify to this fact."<sup>83</sup>

But on the side of memory and habits of follow-up, Newton D. Baker gave a somewhat different impression in a letter to his biographer. "I took to the President only the things that seemed to me to involve some departure in policy," Baker recalled.<sup>84</sup> "I never troubled him with the details of the department. He had the most orderly mind I have ever known. He sorted things out in the order of their importance. Things never got lost in his mind but lay there until it was time to act." Doubtless here the reliance on written communication helped. Baker went on to say: "Since he wanted things written out I sent him written reports. I would outline something I thought it wise to do. Then, one day, he would speak to me at Cabinet meeting, or send for me, and say: 'has anything happened in that matter?' I realized that once I told him a thing he knew it. I deliberately thought a thing into its most compact form, and when he wanted details he asked for them."

As for the degree of Wilson's interest in detailed facts, it is probable that his inclination never ran that way. Edith Gittings Reid, who knew him when he was at the Johns Hopkins University, recalled his reaction to his work with Professor Herbert B. Adams. "Facts, facts, facts!" exclaimed Wilson. "What do I care about his facts? What I want to know is what he does with them."<sup>85</sup> It should be added, parenthetically, that Adams saw him as a "promising horse" and gave Wilson scope; not only a fellowship but also a part-time lectureship at Johns Hopkins were soon forthcoming.<sup>86</sup>

As President of the United States Wilson did confess his regret that he had so little time for study. He wrote about a certain suggestion on currency reform: "The greatest embarrassment of my political career has been that active duties seem to deprive me absolutely of time for careful investigation. I seem almost obliged to form conclusions from impressions instead of from study, but I intend to go much more thoroughly into this matter before saying anything about it . . ."<sup>87</sup> The limits of "expert" guidance from practical men, however, were illus-

<sup>83</sup> Link, *Wilson, The Road to the White House*, p. 70.

<sup>84</sup> Frederick Palmer, *Newton D. Baker. America at War*. (New York, 1931), Vol. 1, p. 371.

<sup>85</sup> *Woodrow Wilson. The Caricature, the Myth, and the Man*. (London and New York), 1934, p. 37.

<sup>86</sup> The Seminar records of May 8, 1884, when Wilson's thesis was presented, alluded to *Congressional Government* as a phase of the study of institutions and noted: "Mr. Wilson's work is better than anything in that line that has been done heretofore in the Seminary." William Diamond, *op. cit.*, p. 27.

<sup>87</sup> Reid, *op. cit.*, p. 160.



trated by the fact that the bit of self-analysis just quoted appears in House's published papers close to a letter from House to an editor friend including the comment: "The bankers, sad to relate, know next to nothing about it, and none of them agrees as to what is best."<sup>88</sup>

Throughout his presidency, in practicing a type of leadership that depended peculiarly upon his public papers, Wilson's approach and method were strongly marked by the qualities indicated in an early letter to David Houston. "Please do not expect me to use the matter in my statements at great length or in the form in which you give it," he wrote.<sup>89</sup> "I cannot deal with questions in that way. I want all the facts and interpretations of them I can get. I shall try to digest them—to get my thought permeated with them; and then I shall try to paint a word picture. I do not like to speak for over twenty or thirty minutes."

## VII

Wilson's attitudes in building and using the cabinet were aspects of his theory of his office as well as his working habits. Despite what he had written in 1908, the trend of his thought joined with felt necessities to emphasize the political role of the cabinet in party synthesis. Charles Seymour, summarizing the papers that tell of an early meeting of the President-elect with House, states that "before Wilson left, he and House drew up a tentative list for cabinet positions and discussed the best means to satisfy those who, by their work in the campaign, felt that they had earned proper rewards. It was already agreed that Mr. Bryan must be given his choice of positions."<sup>90</sup> House, a little later, thought that the President-elect might be viewing the appointments a bit too casually; the choice of Garrison was perhaps an example. House sounded a warning against loading the cabinet with party irregulars since the President's reputation would "rest entirely upon the big constructive measures he was able to get through Congress; and in order to get them through he had to be on more or less good terms with that body."<sup>91</sup> As a matter of fact, three of the cabinet members were drawn directly from Congress, notably Postmaster General Burleson of Texas. A party long out of power (despite the congressional victories of 1910) was handicapped. McAdoo, who as co-manager of the presidential campaign shared in the selections and who was so long a cabinet associate, remarked later: "The weak point of the Wilson Cabinet, it seemed

<sup>88</sup> *The Intimate Papers of Colonel House*, Vol. 1, p. 164.

<sup>89</sup> Houston, *op. cit.*, Vol. 1, p. 20.

<sup>90</sup> *The Intimate Papers of Colonel House*, Vol. 1, p. 88.

<sup>91</sup> *Ibid.*, Vol. 1, p. 103.

to me, was not in the essential qualities of ability, knowledge, and initiative, but in the matter of political prestige."<sup>82</sup>

We are concerned here with the cabinet as council, not with the President's relations to the cabinet members individually in carrying out his theory of administration through a departmental system. Since no minutes were taken, our knowledge of the scope and method of cabinet consultation rests on fragmentary memoir material including fugitive diary entries and letters. Jonathan Daniels has said of his father's diary jottings at the time: "He recorded the punch lines of Wilson's jokes which the President seemed sometimes to use not to point his discussions with the Cabinet, but as barriers against discussion."<sup>83</sup> Certain of the participants did attempt to put down some descriptions of standard cabinet procedure as they remembered it. Josephus Daniels, for example, summed up the President's methods as follows: "His plan from the first was to present some matter or matters about which he desired what he was fond of calling 'common counsel' and after he had received the reaction of Cabinet members, his practice was to call on each member to present any question that concerned departmental policies, for debate and exchange of views."<sup>84</sup> Daniels also mentioned Wilson's practice of alternation: "At one Cabinet meeting he would begin with the Secretary of State, and at the next the Secretary of Labor would be called upon first." As for the nature of the decisions in Cabinet, Daniels stated broadly: "He never took a vote, pursuing a course, as he often said, more like a Quaker meeting, in which after full discussion the President would say, 'It seems to me the sense of the meeting is so and so,' and the policy thus ascertained would be the program of the administration. Usually he found himself in harmony with a majority. He wished in all important decisions to know the views of his associates."

This somewhat idealized statement raises questions about the extent of Wilson's departures from the norm.<sup>85</sup> It is enough to say that, as throughout our history, group consultation in the cabinet was not consistent. But one must discount the complaints like those of Franklin K.

<sup>82</sup> McAdoo, *op. cit.*, p. 192.

<sup>83</sup> *The End of Innocence*. (Philadelphia and New York), 1954, p. 18.

<sup>84</sup> Josephus Daniels, *op. cit.*, Vol. 1, p. 137. On the same point, William C. Redfield, Secretary of Commerce, wrote: "If the President had matters of importance, he would state them and discussion followed. This concluded, he would ask each Secretary in order if there was business he desired to place before the Cabinet." *With Congress and Cabinet*. (Garden City, 1924), p. 67.

<sup>85</sup> In mid-1913 House is said to have relayed to the President the indignation of the Cabinet members because meetings had been cut to one a week; in December the bi-weekly meetings were resumed. Arthur D. Howden Smith, *Mr. House of Texas*. (New York, 1940), p. 94.

Lane in his letters about the very intermittent cabinet discussion of the war while it was going on, as when he wrote on March 1, 1918, "Yesterday, at Cabinet meeting, we had the first real talk on the war in weeks, yes, in months!" and then spluttered on March 12, "Nothing talked of at Cabinet that would interest a nation, a family, or a child."<sup>96</sup> It should be remembered that already much of the interchange with the President was taking place in his weekly meetings with the heads of the emergency agencies and the Secretaries of War and Navy—the "war cabinet" as it was popularly called. Besides, allowance must be made for Lane's probably irked sense of being a bit out of things, reflected in his comment in March to Walter Hines Page: "My office is a sort of place of last resort for those who are discouraged elsewhere, for Washington is no longer a city of set routine and fixed habit."<sup>97</sup> Lane himself, back in 1913, had apparently been the cause of a rebuke in the Cabinet about leakage of information. Houston brought up the matter and (as McAdoo wrote the story later) "Upon hearing Houston's remark, the President took advantage of the opportunity to repeat, quite pointedly, what he had said at the first Cabinet meeting about the confidential nature of our discussions. He said that he wanted to advise with the Cabinet freely and fully, but that he could not do so unless the rule of confidence was kept inviolate."<sup>98</sup> During the war it was perhaps Lane whom the President had in mind when he told George Creel that (as Creel phrased it): "... he dines out every night and is the life of the party. As a result, his mind has been given over to anecdotes and chitchat, and it takes him an hour to come to the matter in hand."<sup>99</sup>

### VIII

Wilson the administrator is implicit in much that has been quoted. It remains to look more particularly for the assumptions on which he acted and in their light to note the practice of those years.

One finds in Wilson's writings little direct generalization about the administrative side of government after he published the prescient essay on "The Study of Administration," in 1887 while he was at his first full-time teaching post.<sup>100</sup> Emblematically, Saul Padover's little

<sup>96</sup> *The Letters of Franklin K. Lane*. Edited by A. W. Lane and L. H. Wall. (Boston, 1922), pp. 266, 267. Later Lane commented on November 1, 1918: "At last week's Cabinet we talked of Austria—again we talked like a Cabinet." *Ibid.*, p. 296. Houston in his reminiscences said: "Generally speaking, after we entered the war, there were few new matters of broad policy which had to be discussed in Cabinet meeting until the fall of 1918." *Op. cit.*, Vol. 1, p. 301.

<sup>97</sup> *The Letters of Franklin K. Lane*, p. 274.

<sup>98</sup> McAdoo, *op. cit.*, p. 194.

<sup>99</sup> Creel, *op. cit.*, p. 237.

<sup>100</sup> *Political Science Quarterly*, June 1887, Vol. 2, pp. 197-222. The text is given in

anthology of Wilson's sayings, which on most matters draws passages from many stages of Wilson's life, quotes only from the 1887 essay under the heading "administration."<sup>101</sup>

Wilson in 1887 identified in executive power what was to be the generally accepted focal point of administrative study, agitation, and progress in the three decades that followed. He deplored the fact that the English race had long and successfully "studied the art of curbing executive power to the constant neglect of the art of perfecting executive methods." He alluded to the growing complexity of the tasks of government. He declared that "large powers and unhampered discretion seem to me the indispensable conditions of responsibility." He pointed out that "administration in the United States must be at all points sensitive to public opinion" and public opinion must be the "authoritative critic." The methods of control, however, must learn to separate the essentials of liberty from its incidents. "The ideal for us," he wrote, "is a civil service cultured and self-sufficient enough to act with sense and vigor, and yet so intimately connected with the popular thought, by means of elections and constant public counsel, as to find arbitrariness or class spirit quite out of the question." Since in all governments the legitimate ends of administration are the same, we should not be frightened at looking into foreign systems for suggestions.

In these affirmations of 1887, the core idea of executive integration was present but the structural and procedural corollaries were not worked out. The essay was a contribution to perspective, as well as exhortation, in declaring that "the science of administration is the latest fruit of that study of the science of politics which was begun twenty-two hundred years ago." Administration, Wilson wrote, is "the executive, the operative, the most visible side of government, and is of course as old as government itself." But the science of administration "is a birth of our century, almost of our own generation." Such a science, he declared, is needed "to rescue executive methods from the confusion and costliness of empirical experiment and to set them upon foundations laid deep in stable principle." Civil service reform should be viewed "as but a prelude to a fuller administrative reform."

Wilson's preoccupation was always with political leadership. Increasingly he emphasized the role of the elective chief executive in such

Baker and Dodd, *The Public Papers . . . College and State*, Vol. 1, pp. 130-158. The essay was reprinted in the *Political Science Quarterly*, Dec. 1941, Vol. 56, pp. 481-506, along with a note by Lindsay Rogers, pp. 507-14. Dwight Waldo has noted: "This essay has received much attention in recent years because much of it seems so modern it could have been written yesterday. It seems not to have exerted much influence, even attracted much attention, for many years." *The Administrative State*. (New York, 1948), p. 26 n.

<sup>101</sup> *Wilson's Ideals*. Edited by Saul K. Padover. Washington: American Council on Public Affairs, pp. 30-38.

leadership. This emphasis helps to explain why he did not elaborate the postulates and prescriptions of a science of administration. But his assumptions about political leadership dictated his working theory of executive organization and devolution. It was the simple and cogent theory of reliance upon the heads of departments.

(1) Wilson's application of the theory was fairly consistent. It was the more thorough because of the President's absorption in state papers and foreign policy. In carrying out his theory of devolution Wilson consciously avoided discussing the affairs of other agencies when dealing with a single department head. Early in the first administration House described and endorsed this restraint. "I told Page," he wrote, "the President consulted with the individual members of his Cabinet about their departments, but he did not consult with them on matters affecting their colleagues, and I thought he was right."<sup>102</sup> House added: "If he did this, he would soon have every Cabinet officer meddling with the affairs of the others, and there would be general dissatisfaction." Later, reminiscing about the President's wartime practice, Hurley wrote that, although "I found him ready and willing to receive suggestions," the President "was very much opposed to having one member of the Cabinet interfere with the work which came under the head of another; and to receiving suggestions as to how another man's department should be conducted."<sup>103</sup> Hurley, too, thought the President was right, noting also that an interchange was possible in the so-called "war cabinet." One sees that the net effect of such scruples helped agency morale. Its incidental effect probably increased the compartmentalization of the system.

Houston, with opportunity to observe from two cabinet posts, commented on the degree to which the President relied upon his subordinates in other fields than foreign affairs. He qualified his praise of Wilson's practice by suggesting that devolution does not mean inattention. Houston phrased his estimate as follows: "It is good administration for a chief to select the right sort of subordinates and then to trust them, but he must and will, if he possesses administrative ability of the highest order, be alert to know their problems; to be aware of the extent to which they handle them properly and to get rid of them if they do not do so. Because of this defect, Mr. Wilson was not an administrator of the first rank, but, as an administrator, I should say that he was superior to Lincoln."<sup>104</sup>

(2) Wilson's emphasis upon the departmental system inclined him against the expansion of presidential staff. This negative attitude can

<sup>102</sup> *The Intimate Papers of Colonel House*, Vol. 1, p. 128.

<sup>103</sup> Edward N. Hurley, *op. cit.*, p. 177.

<sup>104</sup> Houston, *op. cit.*, Vol. 2, p. 169.

be traced in various directions. For example, the Bureau of Efficiency, though created by statute in 1916 as an independent agency separate from the Civil Service Commission, was never fully drawn into the executive orbit; its informal senatorial link was never broken. Another example was the fact, as we shall note in tracing budgetary reform, that the stress was for some time on congressional committee reorganization, not executive staffing.

It is true that in the later stage of the war an outstanding bit of staff work was provided by the Central Bureau of Planning and Statistics. It was organized early in June 1918 in response to the President's request in a letter to Bernard Baruch for the creation of an organization that would provide "a conspectus of all the present war activities and upon that base a periodical checking up of the actual operations and results." This unit operated as an agency directly under the President though reporting through Bernard Baruch, Chairman of the War Industries Board. It was headed by Edwin F. Gay, who also headed and coordinated the planning and statistical divisions of the War Industries Board, the Shipping Board, and the War Trade Board. It included a central statistical clearing house. Altogether, from its apex in the presidency outward, this complex of reporting and control services involved the work of about a thousand employees.<sup>105</sup>

Summarizing on the point of executive staff, we may say that Wilson's avowed wish to proceed through departmental heads, who in their fields would also be the President's chief advisers, showed a sound instinct against short-circuiting at the top. Only in foreign affairs where several special and on the whole regrettable conditions entered did such short-circuiting occur through Colonel House. To some extent, no doubt, the relative disregard of the State Department reflected Wilson's sense of foreign policy as peculiarly the President's personal responsibility. Regardless of results, I think, the relationship to House stands as a dubious pattern for Presidents.

We are not pronouncing against the institutional developments in the Executive Office of the President that have taken place since Wilson's time. Some needs that were felt then and partly met presaged later forms of clearance under the President. For instance, on the question of haphazard speaking by the heads of departments, House reported late in 1913: "The President was pleased when I told him I had spoken to a sufficient number of the Cabinet to ensure the adoption of my suggestion that no speeches should be made in the future without his consent, and only when he thought the occasion demanded it."<sup>106</sup>

<sup>105</sup> The National Archives, *Handbook of Federal World War Agencies and Their Records, 1917-1921* (1942), pp. 64-65.

<sup>106</sup> *The Intimate Papers of Colonel House*, Vol. 1, p. 138.

(3) The President's belief in action through a departmental system did not prevent the increase of permanent independent commissions. The administrative issue about departures from hierarchy does not seem to have been raised and decided in broad theoretical terms. Special circumstances were in play in connection with each of the entities created in a period of innovative zest.

In the case of the Federal Reserve Board it should be noted that the final arrangement was integrative in the double sense that the board was to be wholly public and that it was to contain two *ex officio* members. Furthermore there is evidence that Wilson on at least one occasion was prepared to remove members of the Board if it went ahead with its rumored intention in 1915 to abolish four of the reserve banks. Carter Glass, writing twelve years later, declared: "There can be no possible doubt that the Board would have been summarily reorganized by the President under his power of removal had it taken next day the action which was contemplated." The President, Glass said, looked to the law and "wholly concurred in the view that such action by the Board would constitute an intolerable usurpation of power, without either textual or implied legal sanction."<sup>107</sup> Glass added that he knew of no other time when Wilson approached the point of executive intervention with the affairs of the Federal Reserve Board. On the contrary, members of the Board had complained to him of the President's indifference to the Board. Glass recalled that when he mentioned this complaint to the President, Wilson said that he "wanted the Board to feel perfectly free to pursue its course within the law without a particle of constraint or restraint from the Executive."<sup>108</sup> The President added: "The very moment that I should attempt to establish close relations with the Board, that moment I would be accused of trying to bring political pressure to bear."

(4) When it came to war organization, it was deemed impossible to stay within the regular departmental frame. The President's inclinations ran toward simplicity: "We are in danger of creating too much machinery,"<sup>109</sup> he wrote in April 1917. Nevertheless he was ready to see

<sup>107</sup> Glass, *op. cit.*, pp. 270-71. Robert E. Cushman, *The Independent Regulatory Commissions*, (New York, 1941), p. 681, mentions the instance cited by Glass but does not offer other support for the following generalization: "President Wilson made plain his attitude towards the independent commissions on more than one occasion. . . . There is no doubt that Wilson with his 'prime minister' theory of the nature of the Presidential office felt that he was entitled to impress his policies on the independent commissions and to expect their conformity to those policies."

<sup>108</sup> Glass, *op. cit.*, p. 272. Houston in his recollections made the general observation: "He respected the independence of such bodies as the Interstate Commerce Commission, the Civil Service, the Federal Trade, and the Tariff Commissions." *Op. cit.*, Vol. 2, p. 189.

<sup>109</sup> Baker, *op. cit.*, Vol. 7, p. 14.

a positive virtue in separating the temporary controls. In these terms the public statement in May when the food control law was passed extolled the intention "to draw a sharp line of distinction between the normal activities of the Government represented in the Department of Agriculture in reference to food production, conservation, and marketing on the one hand and the emergency activities necessitated by the war in reference to the regulation of food distribution and consumption on the other."<sup>110</sup>

Meanwhile a matrix was at hand in the Council of National Defence and its Advisory Commission. The President himself had helped by a modest request in his message of December 1915 to give an impetus to the statutory creation of the Council in the following year, when pressure came also from two voluntary movements to mobilize the country's resources. After war was declared Congress placed one hundred million dollars at the President's disposal for national security and defence. In 1918, when asking for another flexible emergency fund of half the size, the President told the chairman of the House Appropriations Committee: "I have used considerable sums for the maintenance of the Food Administration, the Fuel Administration, and the War Trade Board, and for the maintenance of the proper agencies for the allocation of labor. . . ."<sup>111</sup> He pointed out that as soon as these agencies had been "thoroughly organized," their support had been shifted to regular appropriations.

The final step in the maturing of the war machinery was the consolidation of Bernard Baruch's position as chairman of the reconstituted War Industries Board—a designation which in the face of some opposition on the ground that Baruch was a speculator, not production expert, showed the President's instinct for chancy action under stress.<sup>112</sup> In a different setting and in another way he had sounded this note in his secret talk to officers of the fleet on August 11, 1917. "Please leave out of your vocabulary altogether the word 'prudent'," he said. He pointed out that "nobody ever before conducted a war like this and therefore nobody can pretend to be a professional in a war like this."<sup>113</sup>

(5) Wilson fought to keep control of the war organization. The hazards he saw were of two kinds: a congressional committee on the conduct of the War and statutory action to inject a small, plenary war cabinet.

<sup>110</sup> Baker and Dodd, *The Public Papers . . . War and Peace*, Vol. 1, p. 42.

<sup>111</sup> *Ibid.* p. 213.

<sup>112</sup> Blum, *op. cit.*, p. 142. Carter Field, *Bernard Baruch, Park Bench Statesman*. (New York, 1944). See also Bernard M. Baruch, *American Industry in the War. A Report of the War Industries Board*. (New York, 1941).

<sup>113</sup> Baker and Dodd, *The Public Papers . . . War and Peace*, Vol. 1, pp. 82-88.



As to the first, his objections were set forth in letters to Senator Owen in August and to Senator Simmons in September 1917. To the latter he wrote that "an additional authority put alongside of me in this already tremendous task of directing the administrative activities of the Government is just the thing which would create confusion and make any task twice as complex as it is."<sup>114</sup> And in May of the following year when it was proposed to authorize the Senate Military Affairs Committee to be in effect a committee on the conduct of the war, the President wrote that "I deem it my duty to say that I would regard the passage of this resolution as a direct vote of want of confidence in the administration."<sup>115</sup> He declared roundly: "Such activities on the part of a particular committee of the Senate as this resolution would look forward to would constitute nothing less than an attempt to take over the conduct of the war, or at the least so superintend and direct and participate in the executive conduct of it as to interfere in the most serious way with the action of the constituted executive."

The second attack, led by Senator Chamberlain, chairman of the Military Affairs Committee, took the form of a bill introduced early in 1918 to create a war cabinet of "three distinguished citizens of demonstrated executive ability," to be appointed by the President and Senate and to be supervised only by the President and to be in full control of the conduct of the war.<sup>116</sup> About this same time the President wrote to House: "It is the *Junkertum* trying to creep in under cover of the patriotic feeling of the moment. They will not get in. They have now no examples of happy or successful coalition to point to. The nominal coalition in England is a Tory Cabinet such as they are eager to get a foothold for here."<sup>117</sup> And from another angle of objection, the President wrote to the head of the United States Chamber of Commerce: "The faith that some people put in machinery is child-like and touching, but the machinery does not do the task; particularly is it impossible to do it if new and inexperienced elements are introduced."<sup>118</sup>

(6) The successful countering of these measures secured the passage in May of the administration-sponsored Overman Act. It authorized the President "to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act. . . ."

<sup>114</sup> Baker, *op. cit.*, p. 251.

<sup>115</sup> Baker, *op. cit.*, Vol. 8, p. 143.

<sup>116</sup> Baker, *op. cit.*, Vol. 7, p. 485.

<sup>117</sup> Josephus Daniels, *op. cit.*, Vol. 2, p. 285.

<sup>118</sup> Baker, *op. cit.*, Vol. 7, p. 503.

While the bill was awaiting floor consideration after a favorable report, the President wrote to Senator Overman. "Senator after Senator has appealed to me most earnestly to 'cut the red tape.' I am asking for the scissors."<sup>119</sup> The act by its terms was geared to war needs and the war period. The leeway it allowed was used by the President in that spirit. Nevertheless as a technique the precedent had general bearing.

Apart from this limited emergency approach to executive rearrangement, the Wilson administration did not push for any general administrative reorganization. To be sure, the President in his regular message of 1914 spoke of the piecemeal growth that had been characteristic of the government and said: "I think it is generally agreed that there should be a systematic reorganization and reassembling of its parts." But it was consonant with Wilson's policies that he should add the warning: "the people of the United States do not wish to curtail the activities of this Government; they wish, rather, to enlarge them." Such an appeal, though it might be in terms of truest efficiency, was not likely to seem exigent. Finally, under interregnum conditions of 1920, a measure for a joint congressional body on administrative reorganization went into effect without the President's signature.

(7) As for personnel, Wilson took for granted the ideals of career service. He came to the Presidency aware of the burdens of the appointing process. "The mere task of making appointments to office, which the Constitution imposes upon the President," he wrote in 1908, "has come near to breaking some of our Presidents down, because it is a never-ending task in a civil service not yet put upon a professional footing, confused with short terms of office, always forming and dissolving."<sup>120</sup> He sought at the outset to refuse himself to see applicants; the responsibility must be devolved. But, as Ray Stannard Baker summed it up, "First and last the business of appointments was Wilson's greatest burden. It was often near to overwhelming him."<sup>121</sup>

As a politician he must compromise. Burleson, according to Ray Stannard Baker's account, asked the President to clear certain postmaster appointments. Wilson asked to see the entire list. Burleson sent over the documents relating to two score of pending appointments—letters, recommendations, petitions, protests. Burleson, we are told, contended that the President "would not need to yield his position. All that he needed to do was to adopt a policy of harmony and observe the laws of human nature." The argument went on for two hours. The President kept the papers another week. When the conference was re-

<sup>119</sup> *Ibid.*, Vol. 8, p. 41.

<sup>120</sup> *Constitutional Government in the United States*, p. 79.

<sup>121</sup> Baker, *op. cit.*, Vol. 4, p. 53.

sumed he said he would not appoint the man recommended by a certain congressman. Burleson explained the facts and, in Baker's words, "all of the complicated elements of politics in a democracy were bound up in this one trivial appointment." The President said: "I will appoint him."<sup>122</sup> This was not the end but it was a new marker on the difficult and shadowy border zone where the administrator, in the name of political leadership, became the practical politician.

(8) It remains to consider budgetary reform in the Wilson administration. In January 1913 the President-elect wrote rather loosely to Senator Tillman. "Ever since I was a youngster I have been deeply interested in our methods of financial administration. Ever since then I have insisted upon the absolute necessity of a carefully considered and wisely planned budget, and one of the objects I shall have most in mind when I get to Washington will be conferences with my legislative colleagues there with a view to bringing some budget system into existence."<sup>123</sup>

But what kind? The President was seeking to collaborate through party with a Congress that had disregarded, even rebuffed, President Taft's attempt to submit a budget. Congressional leaders, if they acted at all even under the changed political situation, were likely to stress a strengthened reassemblage of the scattered committee jurisdiction over appropriation bills. In December 1914 the President's second annual message indicated that the time was at hand for more attention to administrative reform. "Our program of legislation with regard to the regulation of business is now virtually complete,"<sup>124</sup> he said, and he then mentioned "two topics, much discussed out of doors." One was government expenditures, not so much in keeping them down as in making sure that the money went for approved objects and "is being applied with good business sense and management." These were "large and general standards," as the President said; they were not a plan.

In 1915 a committee of the Democratic caucus—still concentrating upon control at the legislative end—concluded that action in that Congress would be impracticable. Significantly, the Democratic Platform of 1916 confined its plank on economy to the machinery in Congress. It favored a return by the House of Representatives to its former practice of initiating and preparing all appropriation bills through a single committee, "as a practicable step toward a budget system." The President's message in December 1917 did not go beyond this feature.

In December 1919 the President's regular message expressed the hope

<sup>122</sup> *Ibid.*, p. 47.

<sup>123</sup> *Ibid.*, p. 212.

<sup>124</sup> Baker and Dodd, *The Public Papers . . . The New Democracy*, Vol. 1, pp. 222-23.

that "Congress will bring to a conclusion at this session legislation looking to the establishment of a budget system." It declared that "the burden of preparing the budget must, in the nature of the case, if the work is to be properly done and responsibility concentrated instead of divided, rest upon the executive." The message also approved a single committee in each House. It urged as not less important a type of audit that would go beyond questions of mere legality and consider whether the money had been spent wisely, economically, and effectively. "The auditors," said the message, "shall be highly trained officials with permanent tenure in the Treasury Department, free of obligation to or motives of consideration for this or any subsequent administration," reporting their findings to Congress and to the Secretary of the Treasury. Naturally, much of the debate in these years turned on the question of audit as a legislative prerogative.

Meanwhile consideration in Congress had quickened. On February 28, 1919, before the end of the Democratically controlled Congress, the House approved a provision for a joint commission on financial methods.<sup>125</sup> It was adopted as an amendment to a deficiency bill that did not pass the Senate. The upper chamber had been considering a joint resolution for a commission to report a budget plan. This measure passed on February 28, 1919<sup>126</sup> but was not acted on in the House. It is interesting that some proponents were still saying that Cabinet members should defend the budget before Congress.<sup>127</sup> Later in 1919 a budget bill was worked out by select committees in both chambers. It was vetoed by the President on Houston's recommendation because the provision permitting the removal of the Comptroller General only by concurrent resolution was deemed to be an unconstitutional invasion of executive power. The attempt to pass the bill over the veto failed.<sup>128</sup>

Thus Woodrow Wilson lost the chance to claim as an achievement of his presidency the statute that laid the basis for the modern Executive Office of the President.

Never again could the presidency shrink enough to fit a lesser man. Only by degrees would the institutional elements of the office grow to fit its tasks. Amid the machinery, Woodrow Wilson's record remains a reminder of what is inalienably personal and the stature needed in expressing the purpose of a people.

<sup>125</sup> 65th Congress, Third Session, H.R.16187. *Congressional Record*, Vol. 57, p. 4623.

<sup>126</sup> 65th Congress, S. J. Res. 121, *Congressional Record*. Vol. 57, p. 4532.

<sup>127</sup> See F. A. Cleveland and Arthur E. Buck, *The Budget and Responsible Government*. (New York, 1920), pp. 361, 375.

<sup>128</sup> Houston, *op. cit.*, Vol. 2, p. 85. 66th Congress, 2nd sess., H. Doc. 805; *Congressional Record*, Vol. 59, p. 8613, June 4, 1920.

# CIVILIAN CONTROL AND THE CONSTITUTION

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"Civilian control of the military is a basic principle of the American Constitution"; so runs the commonplace. It is the thesis of this article that the cliché could hardly be more inaccurate, for actually the American Constitution in the twentieth century obstructs the achievement of civilian control. It is well known that civil supremacy was a major concern of the Framers. They provided for it in the only form in which they knew it. But civilian control in the eighteenth century is very different from civilian control in the twentieth century: the Constitution which was expertly designed to provide for it then, for this very reason, frustrates it now. In presenting this thesis, it is necessary: (1) to show how the meaning of civilian control has changed over the intervening years; (2) to describe the Framers' concept and show how it was embodied in the Constitution; and (3) to demonstrate how the provisions which they thought would guarantee it impair its effectiveness today.

## I. CIVILIAN CONTROL IN THE EIGHTEENTH AND TWENTIETH CENTURIES

The late eighteenth century knew two general types of military force.<sup>1</sup> The standing army was an institution of the European monarchy. Enlisted men were recruited for long periods of service from the worst elements of society through a mixture of bribery and coercion. Officers, on the other hand, were drawn from the aristocratic classes. On the continent, birth and social status determined eligibility for commissions. In England the purchase system prevailed: military commissions were only open to those who had sizeable independent means. A sharp line thus divided the officers from the enlisted men. The latter were an outcaste group with few ties to civil society; the officers were drawn from the same groups which furnished the social and political leadership of the country. The standing army was essentially an aristocratic institution, and the eighteenth century could not conceive of it otherwise.

The alternative to the standing army was the citizen militia. England had a long militia tradition, but it had also been a long time since the English county militia had ever resembled an effective military force. In America, on the other hand, the militia units of the various colonies played a not unimportant role in maintaining the security of the colonies and protecting the settlements against Indian attacks. The militia tradition, moreover, received renewed vigor in the "minute man" companies of the Revolution. Unlike the standing army, the militia was essentially a democratic institution, with officers and enlisted men drawn from the common body of citizens. Indeed, in many militia units the

<sup>1</sup> This discussion is purely in terms of land forces because it was these which gave rise to the issues of civilian control. What is said here about the eighteenth century standing army, however, could also apply, with slight modification, to the eighteenth century navy.

officers were elected. Neither officers nor enlisted men were divorced from society; their military duties were simply one aspect of their role as free men in a free society.

Both systems provided for civilian control, and through essentially the same method, that is, by insuring that the military leadership of the armies reflected the same interests, values, and outlook as the political leadership of society. The organization of the armed forces depended upon the political constitution of society: there were no universal principles of military organization good for all societies. In an aristocratic society, the armed forces were aristocratically organized: the lower classes were excluded from officership. In a democratic society, the armed forces were democratically organized: commissions were open to all and officers were chosen by election from the ranks or by appointment by democratically elected legislatures. Throughout the struggles in Europe at the end of the eighteenth century between the Old Regime and the bourgeois liberal elements, the supporters of the former strove to preserve the existing standing armies while the latter advocated some form of national militia or *Landwehr*. No clear distinction existed between what was political and what was military. Military and political leadership merged, sharing a common origin and outlook. In one sense, civil-military relations did not exist because military institutions were not yet differentiated from the other institutions of the state and society. Group conflicts in the political arena were paralleled by conflicts among the representatives of the same groups in the military arena. Civilian control in this sense may be described as *subjective*.<sup>2</sup>

In the nineteenth century subjective civilian control became obsolete. The mass armies of the French revolutionary and American civil wars, the growth of population, the development of technology, the beginnings of industrialism, and the rise of urbanism—all contributed to increased functional specialization and division of labor. Armies and navies became complex organisms embodying hundreds of different specialties. Thereby the need for still another specialist arose: the expert in coordinating and directing all these diverse parts to their assigned goal. No longer was it generally possible to master this skill while still remaining competent in other fields. No longer could the European amateur aristocrat and the American Jacksonian citizen soldier direct armies as a part-time pastime. Military science and military leadership emerged as a distinct area of human knowledge and endeavor, to be mastered only by sustained and concentrated effort. Officership became an exclusive role, defined by skill rather than by social status or popularity. In short, officership was professionalized. The professional skill of the officer became, in Harold Lasswell's phrase, "the management of violence," and his professional responsibility became the military security of his client, society.

This change forced nation after nation to alter the character of its officer

<sup>2</sup> On the differences between subjective and objective civilian control, see this author's "Civilian Control of the Military: A Theoretical Statement," in Heinz Eulau, Samuel J. Eldersveld, and Morris Janowitz (eds.), *Political Behavior: A Reader in Theory and Method* (Glencoe, 1956), pp. 379-85.

corps. Entrance was opened to all social classes on the basis of merit and education. Promotion was based upon professional qualification measured by experience and ability. Unskilled outsiders were gradually excluded from positions of military command. Educational institutions such as Sandhurst and West Point for the preliminary training of officers were established in the first part of the century. The proliferation of advanced military schools, staff and war colleges followed. Military staffs developed to apply professional knowledge to the direction of military operations. The officer corps thus became an autonomous professional body with its own distinctive skills, standards, organization, esprit, and sense of professional responsibility to the state which it served. Military institutions no longer reflected the political principles dominant in society. Instead, they reflected occupational imperatives springing from the nature of the military function.<sup>3</sup>

The same change drastically altered the nature of civilian control. Actually, by differentiating the role of the officer from other social roles, it created the modern problem of civil-military relations. The soldier becomes the professional military adviser to the political leaders. In acquiring a distinct area of professional competence, however, he also acquires an incompetence in areas outside that field. Civilian control thus depends upon the extent to which the military leaders adhere to their roles as professional advisers. Civilian control is undermined if they stray outside the military sphere or if the civilians make it impossible for them to discharge their professional responsibilities. The professional military officer obeys the state not because he shares the outlook and values of its leadership, but simply because it is his professional responsibility to obey. This *objective civilian control* is the form required by the conditions of modern western society. It is directly opposed to the subjective control prevalent in the eighteenth century. Subjective control achieved its end by civilianizing the military, making them the mirror of the state. Objective control achieves its end by militarizing the military, making them the tool of the state. Subjective control presupposed military participation in politics; objective control requires military abstention from politics. Most of the countries of Europe, North America, and the British Commonwealth have achieved some degree of objective control; subjective control still prevails in much of Latin America, the Middle East, and Southeast Asia. Subjective control is furthered by constitutional forms and governmental institutions which mix political and military responsibilities and which disperse control over military affairs among a number of governmental agencies. Objective control is furthered by forms and institutions which clearly delimit political and military responsibilities and which place control over military affairs in a single recognized legitimate authority.

<sup>3</sup> For fuller treatment of the professional character of modern officership, see chaps. 1 and 2 of this author's forthcoming volume, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, to be published early in 1957 by the Harvard University Press.

## II. THE FRAMERS AND CIVILIAN CONTROL

For the purposes of objective civilian control the American Constitution was drafted at just the wrong time in history. Twenty-five years or more later, its clauses about military affairs might well have been written very differently. For with all their political wisdom and insight the Framers, with a few exceptions, did not foresee the emergence of military professionalism and objective civilian control. Their ideas on military officership, military forces, and governmental organization with respect to military affairs all reflected a subjective theory of civilian control.

*Military Officership.* The Constitution does not envisage a separate class of persons exclusively devoted to military leadership. "I am not acquainted with the military profession," George Mason proclaimed at the Virginia ratifying convention, and except for Hamilton, Pinckney, and a few others he spoke for all the Framers. Military officership was the attribute of any man of affairs. Many members of the Federal Convention had held military rank during the Revolution; Washington was only the most obvious of the soldier-statesmen. They combined in their own persons military and political talents much as the samurai founders of modern Japan also combined them a hundred years later. Echoing Blackstone, Washington believed that when he "assumed the soldier" he "did not lay aside the citizen. . . ." And Jefferson similarly condemned the distinction "between the civil and military, which it is for the happiness of both to obliterate."<sup>4</sup>

These views were clearly revealed in the ineligibility and incompatibility clauses of Article I, Section 6:

No Senator or Representatives shall, during the Time for which he was elected, be appointed to any civil office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no person holding any Office under the United States shall be a Member of either House during his Continuance in Office.

The Convention almost unanimously supported the second clause of this paragraph making legislative office incompatible with judicial or executive (including military) office. This helped to enforce the separation of powers. It reflected the necessity of keeping the legislature distinct from the executive rather than the desirability of keeping the political distinct from the military. Attention at the Convention centered on the first clause of the paragraph. As reported from the Committee of Detail, this clause proposed to make members of the legislature ineligible for appointment to any national office during the time for which they were elected. Opinions on the desirability of permitting legislators to assume civil office varied and were finally resolved by compromise. There was, however, a universal belief that Senators and Representatives should be eligible

<sup>4</sup> See P. F. Boller, Jr., "Washington and Civilian Supremacy," *Southwest Review*, Vol. 39, pp. 10-12 (Winter, 1954); *The Writings of Thomas Jefferson* (Washington, Thomas Jefferson Memorial Association ed., 20 vols., 1905), IV, 218; William Blackstone, *Commentaries on the Laws of England* (Oxford, 3rd ed., 4 vols., 1768), I, 407, 413-14.



for appointment to a military office. "Exclude the officers of the army & navy," said Gouverneur Morris, "and you form a band having a different interest from & opposed to the civil power: you stimulate them to despise & reproach those 'talking Lords who dare not face the foe.' " What would occur, he inquired, in the

case of a war, and the Citizen the most capable of conducting it, happening to be a member of the Legislature. What might have been the consequence of such a regulation at the commencement, or even in the Course of the late contest for our liberties.

Others such as John Randolph who favored the general ineligibility of legislators for executive office also recognized that military talent might well exist in Congress; they supported an exception with respect to military office. Consequently, the final draft applied incompatibility to both civil and military office but the eligibility limitations only to civil office. Subsequently in the Virginia convention Madison defended the eligibility provisions concerning civil office by citing the absence of any such restrictions upon appointment to military office. His argument, together with the lack of any opposition to legislative eligibility to military office in the ratification debates, indicates how widespread was the acceptance of this Cincinnatus theory of military leadership.<sup>5</sup>

*Military Forces.* The Framers' concept of nonprofessional officership could have been embodied in either a standing army or a citizen militia. The distance of the United States from Europe, however, made a permanent military force seem unnecessary except for small frontier garrisons to deal with the Indians. Consequently the Framers generally agreed that a citizen militia was the only form of military force suitable for the new republic. It embodied the democratic principle that defense of the nation was the responsibility of every citizen. The distinction between officers and enlisted men was minimized and did not correspond to any sharp social cleavage.

Preference for the militia was almost universal throughout the states. "There was not a member in the federal Convention," John Randolph remarked with only slight exaggeration, "who did not feel indignation" at the prospect of a standing army. The ratifying conventions were even more strongly opposed to regular military forces. Nonetheless, they approved a Constitution which, while barring standing armies to the states, gave the national government unlimited power to maintain a military force, the only restriction being that no appropriations for this purpose could be made for more than two years. The reasons for this apparent anomaly were twofold. First, it was generally recognized that the national government would have to maintain some sort of permanent force along the frontier. Secondly, there was always the possibility that a standing army might be necessary in an emergency. But the hope and

<sup>5</sup> See Max Farrand (ed.), *The Records of the Federal Convention of 1787* (New Haven, 4 vols., 1911-1937), I, 380, II, 287-90; Jonathan Elliott (ed.), *The Debates in the Several Conventions* (Washington, 4 vols., 1836,) III, 372-73. For the few instances in which the clause has been invoked in practice, see *Hind's Precedents of the House of Representatives* (Washington, 1907), chap. XVI, and *Cannon's Precedents* (Washington, 1935), chap. 16.

expectation were that this emergency would never occur and that the power would never be utilized. Few provisions in the Constitution were agreed to with more reluctance; some delegates most vehemently against standing forces refused to sign the Constitution. Criticism of this unrestricted congressional power was widespread in the state conventions. A number of states proposed requiring an extraordinary majority in Congress for the maintenance of such a force or adding amendments declaring the militia to be "the natural defence of a free state" and standing armies in peace "dangerous to liberty."<sup>6</sup>

The preference for the militia had two important results for future civilian control. First, it assigned a major place in the American military scheme to a force which could never be professionally officered or subjected to effective control. At the time, of course, professional officers were just as rare in standing armies as they were in citizen militias. The former, however, because they were composed of full-time soliders, could eventually evolve into a disciplined body of professionals. This was impossible in a part-time militia force. Secondly, the expectation that the militia would be the main reliance for defense made the Framers relatively unconcerned with devising institutional techniques to control military forces in being. In part, this was the result of the feeling that such devices were doomed to fail; to a larger extent, it reflected the view that they were unnecessary. The republic would be defended by its loyal citizen soldiers. Civilian supremacy would be maintained by eliminating a distinct military force.

*Governmental Organization.* The Framers' concept of civilian control was to control the uses to which military forces might be put rather than to control the military per se. They were more afraid of military power in the hands of political officials than of political power in the hands of military officers. Unable to visualize a distinct military class, the Framers could not fear such a class. But there was need to fear the concentration of authority over the military in any single governmental institution. As conservatives the Framers wanted to divide power, including power over the armed forces. The national government if it monopolized military power would be a threat to the states; the President if he had sole control over the armed forces would be a threat to the Congress. Consequently, the Framers identified civilian control with the fragmentation of authority over the military. The issue of the relative desirability of a militia versus a standing army was subordinate to the issues of the relative power of the states and the nation, the executive and the legislature, over the military forces, whatever their character. Those who wished a strong national government had no hesitancy in arguing: (1) that continuation of the Articles of Confederation would mean standing armies in every state; (2) that the proposed national government necessarily had to have the power to raise a standing army; and (3) that to avoid the necessity of exercising this power, the national

<sup>6</sup> Farrand, *Records*, II, 326, 329-30, 563, 640, III, 207; Elliott, *Debates*, I, 326, 328, 335, II, 77-80, 136-37, III, 381, 660, IV, 244; Charles Warren, *The Making of the Constitution* (Cambridge, 1947), pp. 474, 483; James Madison, No. 41, *The Federalist* (Modern Library ed.), pp. 262-63.

government ought also be able to organize and discipline the militia. The states righters, contrariwise, argued that it was unnecessary for the national government to have a standing army and that, in any case, the states ought to have exclusive control over the militia in order to protect themselves against the standing army of the national government.<sup>7</sup>

The fragmentation of authority over military affairs had paradoxical results. The very aspects of the Constitution which the Framers and later commentators have cited as establishing civilian control are in fact those which hinder its realization: civilian control would be more easily achieved in the twentieth century if the Framers had been less eager to achieve it in the eighteenth century. Objective civilian control is maximized if the military are limited in scope to professional matters and relegated to a subordinate position in a pyramid of authority culminating in a single civilian head. The military clauses of the Constitution, however, provide for almost exactly the opposite. They divide civilian responsibility for military affairs and thereby foster the direct access of the professional military authorities to the highest levels of government:

(1) Within the total federal system of government, the militia clauses divide control over the militia between the state and national governments.

(2) Within the national government, the separation of powers divides control of the national military forces between Congress and the President.

(3) Within the executive branch of the national government, the Commander in Chief clause tends to divide control over the military between the President and departmental secretaries.

These latter two provisions reflect the distribution of military powers in the British government in the eighteenth century. The similarity, however, turned into a fundamental difference in the course of a century and a half. The evolution of British government centralized all authority over the military in the Cabinet, and the British constitution today provides for effective objective civilian control. The American Constitution, however, remains frozen in the eighteenth century pattern. The centrifugal politics of this country and the written, inflexible character of the Constitution combined to obstruct changes similar to those in Great Britain. American lack of concern with military affairs, furthermore, left the constitutional structure almost unsupplemented by statutory enactments. Prior to the twentieth century the only significant additions to the constitutional institutions were the office of the Secretary of War created in 1789 and the office of the Secretary of the Navy created in 1798. For most of American history, the Constitution and little else determined the legal structure of American civil-military relations.

### III. THE MILITIA CLAUSES AND MILITARY FEDERALISM: THE EMPIRE WITHIN AN EMPIRE

The militia clauses of the Constitution hamper civilian control in two ways.

<sup>7</sup> Farrand, *Records*, I, 465, II, 385; No. 8, *The Federalist*, pp. 42-43; Elliott, *Debates*, II, 520-21, III, 169, 378, 410-11. Patrick Henry said of the nationalist claim: "This argument destroys itself. It demands a power, and denies the probability of its exercise."

First, they give constitutional sanction to a semimilitary force which can never be completely subordinated to military discipline nor completely removed from political entanglements. Secondly, they give constitutional sanction to a division of control over the militia between state and national governments which necessarily involves the militia in the conflicting interests of the federal system. This unique combination of characteristics—part civilian and part military, part state and part national—tends to make the militia independent of the policy-making institutions of government.

The Framers had good reasons to prefer a militia force to a regular army. But there was little rational justification for splitting up the control of this force. As Madison said, this control “did not seem in its nature to be divisible between two distinct authorities.” Politics if not logic, however, forced the Framers, Madison included, to support dual control. Some, such as Hamilton, wanted complete control in the United States. Others wished for the national government to be completely excluded from authority over the militia. The clash of these two viewpoints produced a variety of compromise suggestions. In the end, the balance of political forces produced the following militia clauses:

The Congress shall have Power . . .

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of Officers, and the Authority of training the Militia according to the discipline prescribed by Congress. . . . The President shall be Commander-in-Chief . . . of the Militia of the several States, when called into the actual service of the United States. . . .

In addition, of course, Congress also has the authority to “raise and support armies” under the army clause.<sup>8</sup> The exercise of these powers falls historically into two periods. From 1792 to 1903, the militia was under state control in time of peace and dual control in time of war. After 1903 the militia was under dual control in time of peace and national control in time of war.

State control existed in peacetime throughout the nineteenth century because Congress in the Militia Act of 1792, the basic legislation in this field until 1903, abdicated its powers under the militia clauses and provided neither for effective federal supervision nor for effective federal support. Consequently, the militia remained purely state forces when not in the active service of the United States. When in such service, however, the dual control of the militia clauses resulted in constant confusion and bickering over the purposes for which the militia might be used and over the appointment of officers. In 1812, for instance, when the President called out the militia, the governors of Massachusetts and Connecticut asserted that they and not he had the right to decide whether the circumstances justified the call. Later in the war militia forces on the Niagara frontier refused on constitutional grounds to enter Canada to

<sup>8</sup> Farrand, *Records*, II, 136, 168, 182, 330, 385, II, 332; Elliott, *Debates*, III, 382, IV, 422-24.

support regular American troops fighting there. In the Spanish American War militia units likewise refused to serve outside the United States.

The President was constitutional Commander in Chief of the militia while it was in federal service. Yet how could he function in this capacity when his officers, in war as in peace, were appointed by state governors? In the War of 1812 state governors challenged the authority of the President to subordinate militia units to the command of Regular Army general officers. State officials removed their troops from national service as they saw fit and upset the lines of command by appointing militia officers to higher rank than the regular officers to whom the militia units were theoretically subordinate. In the Civil War the states appointed the regimental officers of the militia and of the national volunteers assigned to the states while the President appointed the general officers. The Act of April 22, 1898 providing for the Volunteer Army for the Spanish American War reproduced this division of authority.<sup>9</sup>

Dual control in war did not survive the nineteenth century. The militia has fought the twentieth century wars of the United States as an exclusively national force under the army clause. Nor did the system of purely state control in time of peace extend past 1903. Dual control under the militia clauses became a reality when Congress passed the Dick Act of that year. The effects of these changes were twofold. The military importance of the militia in time of war was enhanced because it now had the wherewithal to become an effective military body. The political power of the militia in time of peace was enhanced because it was placed between the two competing authorities. Objective civilian control of the militia, which in the nineteenth century was difficult in time of war, became in the twentieth century virtually impossible in time of peace. The militia clauses are thus the constitutional base for a potent political organization: the National Guard and its spokesman, the National Guard Association. It is generally recognized that constitutions are created by political forces. But constitutions likewise create or impel the creation of political interests, and this is the case with the militia clauses and the National Guard.

The National Guard Association was formed in 1878 by a group of militia officers for the primary purpose of getting Congress to act under the militia clauses. It was designed to "present a united front" for joint control.<sup>10</sup> Its founders wished the national government to supply money, instruction, standards, and a certain measure of supervision to the state militia. The Regular Army was opposed because it did not think the militia could be an effective national force. The dual control advocates, however, won their first victory in

<sup>9</sup> See Emory Upton, *The Military Policy of the United States* (Washington, 1912), pp. 100-103; F. B. Wiener, "The Militia Clause of the Constitution," *Harvard Law Review*, Vol. 54, pp. 192-93 (December, 1940); Leonard D. White, *The Jeffersonians* (New York, 1951), pp. 540-41. Cf. Washington's revolutionary difficulties, James B. Scott, *The Militia* (S. Doc. 695, 64th Cong., 2d Sess., 1917), pp. 25-26.

<sup>10</sup> F. P. Todd, "Our National Guard: An Introduction to Its History," *Military Affairs*, Vol. 5, pp. 73-86, 152-170, at pp. 162-63 (Summer, Fall, 1941). Aside from these brief articles and a few law review pieces, little scholarly work has been done on the National Guard and the National Guard Association.

1903 and subsequently strengthened and maintained their position despite the continuing hostility of the Regular Army. Throughout its existence the Guard has recognized its dependence upon the militia clauses and has stoutly defended its dual status. Guard officers maintain that these clauses embody the true sentiments of the Framers on military policy. Constitutional "dual control" is opposed to central control and to exclusive state control. The latter is impractical because the states will not carry the entire cost of the Guard and the former is unconstitutional because, according to the Guard, the army clause only gives Congress the power to maintain a standing army not to keep a federal militia. For the Guard, dual control in peace means that the national government should supply the funds and the know-how while the states supply the command and direction. The Association has consistently sought more federal money for Guard activities but has resolutely opposed extensions of federal control. In 1949, for instance, the Association demanded increased federal aid for armories and construction, a uniform clothing allowance for National Guard officers, and the franking privilege for National Guard mail. At the same time it vigorously condemned further federal control over the Guard, describing the 1948 Gray Board recommendation for a single national reserve force as "unconstitutional, un-American . . . contrary to our concept and philosophy of life . . . ill-advised and illegal. . . ." Upon the constitutional base of the militia clauses, the National Guard has created a political force of formidable proportions. As the president of the Association frankly and accurately proclaimed, the Guard is an "empire within an empire."<sup>11</sup> Within its sphere of interest its word is law, or becomes law very quickly. The extent of this power, and the ways in which the militia clauses contribute to it, may be seen in (1) its legal status; (2) its constitutional symbolism; (3) its official representation in state and national governments; (4) the status of the National Guard Association; and (5) the influence of the Guard with Congress.

*Legal Status.* The efforts of the Association to enhance the Guard's dual status have put the latter in a unique legal position. The National Guard is one organization but it has a double existence. As the "National Guard of the several states and territories" it is organized under the militia clause and has the mission of preserving law and order within the states under the orders of the state authorities. In this capacity it may be "called forth" by the President under the appropriate authority of Congress for the limited constitutional purposes of executing the laws of the United States, suppressing insurrection, and repelling invasions. If this were its only status, the Guard would be constitutionally incapable of participating as an organization in a foreign war. In 1917, without authority permitting overseas service, its members were drafted as groups of individuals into the national army, and Guard organization was disrupted. As a result, in 1933 the Association secured the passage of

<sup>11</sup> *Official Proceedings of the Natl. Guard Assoc., 66th Annual Convention, 1944*, pp. 28-29, 44; 1948, pp. 111, 242-44, 254-55; 1949, pp. 202-210. For the Gray Board recommendations, see Committee on Civilian Components, *Reserve Forces for National Security* (Washington, 1948), pp. 9-24.

an act which makes the Guard as the "National Guard of the United States" a reserve component of the Army of the United States under the army clause. In this capacity its mission is to furnish units for all types of military operations anywhere in the world. As the National Guard of the United States, the Guard may be "ordered" to active service by the President after Congress has declared the existence of a national emergency. The Guard has the best of two worlds. Its status under the militia clause protects it against federal control in peacetime. Its status under the army clause insures it of an institutional and prominent role in wartime.

*Constitutional Symbolism.* As a militia under dual control, the Guard identifies itself with two venerated constitutional symbols: the Citizen-Soldier and States Rights. Guardsmen are "amateur soldiers," citizens first and soldiers second in the Minute Man tradition. "In the future as in the past," the Association declared in 1944, "and based upon sound tradition, long experience, and this Nation's fundamental law, the citizen-soldier must be the major dependence of the Nation in time of war . . ." The federal reserves, however, can likewise claim to be citizen soldiers. But only the Guard can also invoke the banner of States Rights. Our "organizations," claimed President Walsh, "belong to the States and are merely loaned to the Federal Government in wartime." The Guard wants the "Federal system adhered to" in the military establishment. The Guard can thus expect the support of the state governments against the national government. In 1943, for instance, the Conference of Governors urged continued dual status for the Guard in the postwar period, and in 1948 the Executive Committee of the Conference joined the Guard in denouncing the Gray Board Report. Its state affiliations enhance the political influence of the Guard relative to that of the reserve associations of the national forces. In 1954 the Reserve Officers Association had 60,000 members and the NGA 34,000. The ROA normally has had more money and a larger staff than the NGA. Nonetheless, without a secure base of operations in the states, the ROA has not equaled the NGA in political influence. In 1946 the president of the ROA himself described his organization as the "younger brother" of the National Guard Association and admitted with reference to political influence that "The National Guard has much of what we the Reserves have not had."<sup>12</sup>

*State and National Representation.* The position of the Guard is strengthened by its official foothold in both the state and national governments. The heads of the Guard in the states are the adjutants general appointed by the governors. These officials represent the Guard within the state governments and are linked nationally through the Adjutants General Association which is a "corollary" organization of the NGA. The Guard is represented in the Department of the Army by the Chief of the National Guard Bureau who under the National Defense Act of 1920 must be a Guardsman and by the National Guard

<sup>12</sup> *Statement of Policy Adopted by the Natl. Guard Assn. and the Adjutants General Assn. in Joint Convention, Baltimore, May 4, 1944*, pp. 1, 4; *Proceedings, NGA Convention, 1944*, p. 100; 1945, pp. 65-66; 1946, pp. 114-15; 1948, p. 65; Public Administration Clearing House, *Public Administration Organizations, 1954* (Chicago, 1954), pp. 102, 119.

members of the joint General Staff committees which, under the same act, must consider all policies affecting the Guard. These national representatives have kept the NGA informed of what transpires within the Army and the War Department. The Guard has regularly insisted that it be included at an early stage in the preparation of War Department policies which might affect it. Exclusion of the Guard in the development of policy has usually meant opposition by the NGA when the programs are submitted to Congress.<sup>13</sup>

*The National Guard Association.* The NGA occupies an ambiguous position on the borderline between a private association and a public body. Legally it is simply a voluntary organization of National Guard Officers. Nonetheless, it considers itself to be "the authorized Representative of the National Guard of the United States." It is also closely tied in with the official state and national representation of the Guard. In 1948 when only 42% of Guard officers belonged to the NGA, the Association declared it to be the responsibility of the adjutants general "to insist that every National Guard Officer be a member of the National Guard Association." To this end it urged the states to require each new Guard officer to fill out an NGA membership application prior to appearing before the official Examining Board. Through such techniques, the NGA by 1953 achieved a 99% membership among Guard officers. As a private association the NGA carries on public relations activities, publishes the monthly *National Guardsman*, and represents the Guard with respect to a wide variety of legislation. At one point in the debate over the Selective Service Act of 1948, for example, when it looked as if the Guard viewpoint would not prevail, the Association brought members from thirty-four states to Washington to lobby with their congressmen. In two days they were eminently successful in getting Congress to adopt the National Guard position. In President Walsh's words, the great virtue of the NGA is that it is

the only agency on which the National Guard can rely to protect its interests, for the Association is free and untrammelled and it does not have to conform to any particular pattern nor is it bound within the narrow limits of channels of communication or the chain of command.<sup>14</sup>

*Influence with Congress.* In the final analysis the influence of the Guard boils down to its influence with Congress. The fate of the militia is legally in the hands of Congress. NGA officers, however, assert that "we should settle the future of the National Guard." To this end it must settle the actions of Congress on National Guard affairs. For half a century it has been astoundingly successful in doing exactly this. The local roots of the Guard, its appeals to States Rights and the Citizen Soldier, its support from the state governments, its lobbying and pressure tactics, have made it a power on Capitol Hill. "Congress," in the words of President Walsh, "has ever been our refuge and our strength."

The record of National Guard success with Congress begins with the Dick

<sup>13</sup> *Proceedings, NGA Convention, 1948*, pp. 89, 93-96; 1945, pp. 50-55.

<sup>14</sup> *Proceedings, NGA Convention, 1945*, p. 47; 1946, p. 43; 1948, pp. 34, 66, 80-81; 1950, pp. 264-65; 1953, pp. 288-90.



Act of 1903. Representative Dick himself was a former president of the National Guard Association. In 1908 the Association secured the passage of the second Dick Act strengthening federal support of the Guard. In 1916 the Guard "threw every ounce of its energy into an effort to defeat" the Continental Army plan of the General Staff. It was successful, and the National Defense Act of that year was in line with its views. The position of the Guard was greatly strengthened four years later by the National Defense Act of 1920, which the Guard described as "a great achievement and a great victory." In passing the 1933 act making the Guard a reserve component of the Army in peace as well as war "Congress saw eye to eye with the proposals submitted by the National Guard. . . ." Throughout the twenties and thirties, the NGA successfully devoted its efforts to increasing the appropriations of the Guard from \$13,000,000 in 1920 to \$72,000,000 in 1941. In 1940 when the Selective Training and Service Bill as originally introduced did not secure the interests of the Guard, the Association had inserted into it the "National Guard protective clause" which declared it to be "essential that the strength and organization of the National Guard as an integral part of the first line of defense of this nation be at all times maintained and assured." In 1946 the Guard fought efforts by the War Department to set up a large Organized Reserve Corps which the Guard viewed as a "competing" and "parallel" organization. A War Department recommendation for a \$40,000,000 appropriation for the ORC was eliminated by Congress at the insistence of the National Guard. The Guard had no difficulty, however, in getting funds for itself. For Fiscal Year 1949 the Budget Bureau recommended \$195,000,000 for the Guard. The NGA did not think this enough and got the economy-minded 80th Congress to appropriate \$290,000,000. In 1948 the Association was also successful in having its views written into the Selective Service Act and in blocking the legislative recommendations of the Gray Board. In 1954 when an Assistant Secretary of Defense suggested that the Guard should be used only for Home Guard and civil defense functions, President Walsh confidently picked up the challenge: "If they want war, let it begin here."<sup>15</sup>

The record shows that Congress has indeed given, in Mr. Walsh's phrase, "generous support" to the Guard. Continuing his reflections on the 80th Congress, the president went on to wonder if

any organization has been so successful in the legislative field in so brief a period as the National Guard Association. It is indeed a great accomplishment to have attained all the major legislative objectives of this Association.

Two years later the NGA Legislative Committee reported that the Association had "been phenomenally successful in obtaining the enactment of legislation essential to its well-being and development."<sup>16</sup> So long as the Guard retains its jealously protected dual status, this will continue. Ensnared behind the

<sup>15</sup> *Proceedings, NGA Convention, 1948*, pp. 56, 67, 88; *1944*, pp. 44, 53, 55, 58, 65, 69, 73, 74; *1945*, p. 56; *1946*, pp. 28-32; *1948*, pp. 47-49, 57, 91-92; *1953*, p. 28; *Time*, LXIII (Mar. 1, 1954), 18.

<sup>16</sup> *Proceedings, NGA Convention, 1948*, pp. 33-34; *1950*, p. 245.

militia clauses this premier military lobby effectively dominates the proceedings of Congress concerning it. And it is the Constitution which underwrites its slogan that "There will always be a National Guard."

#### IV. THE SEPARATION OF POWERS: DUAL CONTROL OVER THE NATIONAL FORCES

In many respects the most significant aspect of the separation of powers is not the division of power between President and Congress, but the effects of this division upon the power of other groups. The existence of two coordinate bodies means that the power of each vis-à-vis other groups is less than it would be if either possessed full sovereign authority. The principal beneficiaries have been organized interest groups, bureaucratic agencies, and the military services. The separation of powers is a perpetual invitation, if not an irresistible force, drawing military leaders into political conflicts. Consequently, it has been a major hindrance to the development of military professionalism and objective civilian control in the United States.

With few modifications the Framers reproduced in the Constitution the division of authority over the military which prevailed in England and the colonies in the middle of the eighteenth century, "The purse & the sword," said George Mason, "ought never to get into the same hands [whether Legislative or Executive]." The President inherited the powers of the English king, Congress the powers of the English Parliament. The executive authority of the President, Hamilton stated in *The Federalist*, "will resemble equally that of the king of Great Britain and of the governor of New York." The Framers did, however, make one major adjustment in favor of the legislature. In granting Congress the war power they altered British practice and established a significant precedent in the evolution of representative government. The result was that Congress was given the power

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than Two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces.

... And

To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

And the President was made "Commander in Chief of the Army and Navy of the United States. . . ."<sup>17</sup>

<sup>17</sup> For discussion of royal and parliamentary authority, see Blackstone, *Commentaries*, I, 257-58, 262, 412-13; J. S. Omond, *Parliament and the Army, 1642-1904* (Cambridge, 1933), pp. 7-8; John W. Fortescue, *A History of the British Army* (London, 13 vols., 1899-1930), II, 568. The Framers at first adopted in toto the language of the basic English statute, 13 Car. II, c. 6 (1661), but then realized that they could not make the President like the King commander in chief of the militia in peace as well as war. See Farrand, *Records*, I, 139-140, II, 185, 426-27; No. 69, *The Federalist*, p. 448. For the continuing debate as to whether the war power was properly legislative or executive, see Farrand,

The general intent of the Framers in making this division of power is clear. Problems arise, however, from the nature of the grant of presidential power. This clause is unique in the Constitution in granting authority in the form of an *office* rather than in the form of a *function*. The President is not given the function "to command the Army and Navy"; he is given the office of "Commander in Chief." This difference in form is of considerable importance, for it left undefined the specific powers and functions. This eased the approval of the Constitution in the ratifying conventions, but it gave subsequent generations something to argue about.

The powers of the Commander in Chief might range from the extremely broad power to conduct war to a narrowly restricted power of military command. They certainly exclude all powers specifically assigned to Congress or the states, and they probably include all purely military powers not so assigned. But does the office possess nonmilitary powers as well? The Framers themselves seemed to hold conflicting opinions on this point. The Supreme Court in 1850, however, declared that the duty and power of the President as Commander in Chief were "purely military," and denied the similarity between the presidential authority and the royal prerogative.<sup>18</sup> So long as the Commander in Chief power was interpreted as purely military, it remained, in Professor Corwin's phrase, "the forgotten clause" of the Constitution. In the Civil War and in World War II, however, Lincoln and Roosevelt used the clause to justify an extraordinarily broad range of nonmilitary presidential actions largely legislative in nature. The justification of these actions by the Commander in Chief clause was persuasive, however, only because John Rutledge defined that power as an office rather than a function. It could be argued that the office of Commander in Chief possesses authority to seize a strike-bound war plant. It would be harder to argue that the function of commanding the Army and Navy implied such authority. The Commander in Chief clause, in other words, has been of relatively little direct use in securing civilian control over the military. Indeed, in one respect it has been directly detrimental to such control. But because it was phrased as an office rather than a function, it has been of great use to the President in expanding his power at the expense of Congress. This, in turn, has broadened the area of conflict between these two institutions and, consequently, if indirectly, has further impeded civilian control by increasing the likelihood that military leaders will be drawn into political controversy.<sup>19</sup>

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*Records*, I, 64-66; Alexander Hamilton, *Works* (New York, 12 vols., Federal ed., 1904), IV, 145-46; James Madison, *Writings* (New York, 9 vols., 1900-10), VI, 145; Clarence A. Berdahl, *War Powers of the Executive in the United States* (Univ. of Illinois, 1921), p. 79. Cf. W. W. Crosskey, *Politics and the Constitution* (Chicago, 2 vols., 1953), I, 422-28.

<sup>18</sup> *Fleming v. Page*, 9 How. 603, 615, 618 (1850). The powers of the British King as general of the kingdom extended to many nonmilitary areas. Blackstone, *Commentaries*, I, 262ff. For the views of Framers on the Commander in Chief power, see Farrand, *Records*, I, 244, 292, II, 145, 319, 426-27, III, 624; Elliott, *Debates*, IV, 114; *The Federalist*, pp. 448, 482.

<sup>19</sup> For the boundaries between presidential and congressional military powers, see

The President has exercised his powers with respect to military affairs through the appointment of military personnel, the issuance of executive orders and commands, and reliance upon the instrumentality of the civilian secretary. Congressional weapons include statutes, appropriations, and investigations. These devices have normally been wielded in the name of Congress by the military and naval affairs committees, the appropriations committees, and special wartime investigating committees. On occasion both sides have found it necessary or expedient to appeal to the military for support of their plans or to seize upon and push military plans for purposes of their own. The involvement of the national officer corps in politics consequently has been less consistent and more sporadic in nature than the involvement of the militia officer corps. The division of authority between two separate governments demanded a permanent political spokesman for the interests of the militia. The division of authority between two branches of the same government led to the transitory involvement of individuals and cliques of officers in controversies over military policy and, most particularly, over the force levels of the armed services.

Prior to 1940 the pattern of national politics respecting the strength of military forces tended to obscure the extent of military political participation. The executive was usually more favorably inclined towards a larger military establishment than was Congress. Congress had less immediate contact with foreign dangers and was under greater popular pressure to cut spending. In addition, the easiest way to assert congressional authority in the budget process was simply to reduce executive requests. Thus, the institutional jealousy of the two branches, even apart from constituent pressure, tended to make Congress less favorable to military appropriations. In some cases, to be sure, the General Board of the Navy found a more favorable audience for its recommendations in the Congress than in the executive branch. But, generally, the military leaders appeared before congressional committees to support the President's program. Military involvement in politics on the side of Congress tends to be conspicuous and dramatic; on the side of the President it tends to be subtler and less obvious. Undoubtedly, some administrations used popular officers to rally congressional support for their military proposals. But it is extremely difficult to draw the line between the soldier giving professional advice to Congress as to what the country needs for its defense and the soldier lobbying with Congress for the administration. The two roles are distinct in theory but blended in practice.

In the post-World War II period, on the other hand, the increased importance of national defense issues and the greater concern of Congress with them has caused the legislature to insist upon an independent review of military force levels. On occasion Congress has voted more money for a particular service or

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Edward S. Corwin, *The President: Office and Powers* (New York, 1948), chap. vi; Ex Parte Milligan, 4 Wall 2 (1866); Berdahl, *War Powers*, *passim*; Howard White, *Executive Influence in Determining Military Policy in the United States* (Urbana, 1924), chap. iii.

activity than was recommended by the President.<sup>20</sup> Congress can only play an independent role, however, if it has access to the same professional military advice available to the President. With respect to the military budget in particular, congressmen argue that their constitutional responsibilities demand that they be able to compare the purely "military" recommendations of the Joint Chiefs with the President's budget "compounded of a number of extra-military considerations. . . ."<sup>21</sup> The legal milestone marking the shift from the prewar pattern was the provision in the National Security Act of 1949 permitting a member of the Joint Chiefs of Staff to present to Congress "on his own initiative, after first informing the Secretary of Defense, any recommendation relating to the Department of Defense that he may deem proper."<sup>22</sup> This was the first statute in American history authorizing a professional military chief to present his views directly to Congress. While it did not make the Chiefs of Staff the principal military advisers to Congress as it did with respect to the President, the National Security Council, and the Secretary of Defense, it nonetheless freed them from the legal restrictions of the 1921 Budget and Accounting Act. This legal authorization, however, can become inoperative unless there are political means of protecting the military chiefs against pressure or retaliation from the executive branch. After the dismissal in 1949 of Admiral Denfeld, Chief of Naval Operations, following his participation in the B-36 hearings, the House Armed Services Committee warned that any further "intimidation" of this nature would lead it to "ask the Congress to exercise its constitutional power of redress."<sup>23</sup> The "constitutional power," however, is one which it is easier for Congress to assert than to exercise. Few effective devices are available to it to protect military officers against executive action.

The vulnerability of the chiefs places a tremendous burden upon them as to whether to speak up or to remain silent. What is the proper professional behavior when called before a congressional committee and invited to criticize the President's recommendations? How strong should be the doubts and disagreements of a Chief with the President's policy before he takes the initiative

<sup>20</sup> The most notable instances have been the increase in National Guard funds mentioned above, a 1946 increase in research and development funds, the extra money voted for the 70-group Air Force in 1948 and 1949, the increase in Marine Corps appropriations in 1955 and in Air Force appropriations in 1956. In three of these instances, the President directed that the additional funds be impounded: a clearly unconstitutional action, as I think, arrogating to the President an item veto over appropriations bills. See J. D. Williams, *The Impounding of Funds by the Bureau of the Budget*, ICP Case Series: No. 28 (University, Alabama, 1955). Congress, however, has yet to develop legal or political means of forcing the President to spend funds it appropriates. See *Cong. Record*, Vol. 95, p. 14922 (Oct. 18, 1949); H. Rept. 1797, 81st Cong., 2d Sess., pp. 309-311 (1950); House Committee on Armed Services, *Unification and Strategy*, H. Doc. 600, 81st Cong., 2d Sess., pp. 49-50 (1950); Hearings before House Armed Services Committee on National Defense Program—Unification and Strategy, 81st Cong., 1st Sess., pp. 97-99, 300-301 (1949); Hearings before House Committee on Appropriations on Department of Defense Appropriations for 1951, 81st Cong., 2d Sess., pp. 50-62 (1950).

<sup>21</sup> Carl Vinson, *Cong. Rec.*, Vol. 95, p. 3540 (March 30, 1949).

<sup>22</sup> Sec. 202 (c) (6), National Security Act, 63 Stat. 578 (1949).

<sup>23</sup> H. Doc. 600, 81st Cong., 2d Sess., pp. 10-12, 45, 52.

in criticizing it before Congress? The annual psychic crisis of the Chiefs of Staff before the congressional appropriations committees has become an enduring phenomenon. If the military chief accepts and defends the President's policies, he is subordinating his own professional judgment, denying to Congress the advice to which it may constitutionally claim to be entitled, and becoming the political spokesman of an Administration policy. If the military chief expresses his professional opinions to Congress, he is publicly criticizing his Commander in Chief and furnishing ammunition to the latter's political enemies.

There is no easy way out of the dilemma. Military leaders in the post-war period have varied from more or less active campaigning against presidential policies (the admirals with respect to unification and the B-36 controversy) to the defense of presidential policies which ran counter to their professional judgment (General Bradley with respect to the Fiscal 1951 budget). A middle course, however, appears to be the most desirable one. The military chief has the professional duty to speak frankly to both President and Congress. General Ridgway's behavior under Senate questioning in 1954 and 1955 reflected an effort to find the proper path. In both cases, the general emphasized his acceptance of higher level executive decisions fixing the size of the Army which obviously did not accord with his own judgment. In 1954 he gave his own views in executive session; in 1955 he presented in public his military opinion on the desirable strength of his service.<sup>24</sup> With respect to any significant issue of military policy, however, the national officers inevitably tend to be drawn into the legislative-executive struggle on one side or the other. The separation of powers makes it impossible for American officers ever to be at ease in their professionalism.

#### V. THE COMMANDER IN CHIEF CLAUSE: THE POLITICAL-MILITARY HIERARCHY

One major function of the Commander in Chief clause has been to justify the exercise of broad Presidential powers in times of national emergency. A second principal function has been to complicate the achievement of civilian control in the executive branch. Just as the separation of powers is a standing invitation to military leaders to make an end run around the President to Congress, the Commander in Chief clause is a standing invitation to make an end run around the civilian secretary to the President.

The Commander in Chief clause is the outstanding example of the Framers' mixing of political and military functions. The same thinking which permitted them to envision Senators becoming generals in war also permitted them to accept a civilian President as military Commander in Chief. In most societies from primitive nomadic tribes down to their own time, it had been customary for the chief of state also to be the chief military commander. This had been true of the Greek city state, the Roman republic, and the European national monarchies; it was to be true of Napoleonic France. Virtually all the state con-

<sup>24</sup> Hearings before Senate Committee on Appropriations on Dept. of Defense Appropriation Bill for 1955, 83rd Cong., 2d Sess., pp. 43-44 (1954); Hearings before Senate Committee on Appropriations on Dept. of Defense Appropriation Bill for 1956, 84th Cong., 1st Sess., pp. 211-12, 215-19 (1955).

stitutions at the time made the governor commander in chief of the militia. Military command was as much a function of the chief executive as the appointment of administrative officials or the negotiation of alliances. It was only natural for the Framers to assign this role to the President. He was to be a republican Soldier-President patterned upon the Royal Warrior of the European states.

The extent to which the Framers expected the President to exercise military functions may be seen in their failure to curb his authority personally to lead troops on the field of battle. Such a restriction was contained in the New Jersey plan and had the support of Hamilton. The Convention, however, explicitly rejected these attempts to limit his authority. Some criticisms of this power were voiced in state conventions but there, too, efforts to curtail it were unsuccessful. The intention and the expectation of the Framers and of the people was that the President could, if he so desired, assume personal command in the field. Early presidents did not hesitate to do so. Washington led the troops called out to suppress the Whiskey Rebellion. James Madison took a direct hand in organizing the ineffectual defense of Washington in 1814. During the Mexican War President Polk, although he did not command the army in the field, nonetheless personally formulated the military strategy of the war and participated in a wide range of exclusively military matters. The last instance of a President directly exercising military functions was Lincoln's participation in the direction of the Union armies in the spring of 1862. The President personally determined the plan of operations, and through his War Orders directed the movement of troop units. It was not until Grant took over in Virginia that presidential participation in military affairs came to an end. No subsequent President essayed the direction of military operations, although Theodore Roosevelt in World War I argued conversely that his previous experience as Commander in Chief proved his competence to command a division in France.<sup>25</sup>

Until the middle of the nineteenth century, no real distinction existed in the United States between political and military competence. Just as successful generals made popular presidential candidates, so any man of affairs was capable of command. The exercise of his military functions by the President created no logical difficulties. There was a single, clear political-military hierarchy running from the President through the Secretaries of War and the Navy to the uniformed commanders. Political and military responsibilities and abilities were mixed all along the line. The President frequently had previous military experience; the Secretary of War almost always had. The top generals, on the other hand, were usually involved in politics. The organization of the service departments, consequently, was little different from that of any other department.

This unified hierarchy began to break up as the military function became professionalized. The President was no longer qualified to exercise military

<sup>25</sup> See Farrand, *Records*, I, 244, III, 217-18, 624. IV, 53; Elliott, *Debates*, II, 408, 412, 522-523, III, 59-60, 496-98; Leonard D. White, *The Jeffersonians*, p. 220, and *The Jacksonians* (New York, 1954), pp. 51-57; Pendleton Herring, *The Impact of War* (New York, 1941), pp. 146-47.

command, and even if he were qualified by previous training, he could not devote time to this function without abandoning his political responsibilities. The political functions of the Presidency became incompatible with the military functions of the Commander in Chief. Nor were the civilian politicians appointed Secretaries of War and the Navy competent to exercise military command; they were usually lawyers. On the other hand, the emergence of the military profession produced officers whose experience had been exclusively military, who were quite different types from the politician secretaries, and who were technically qualified to command. The constitutional presumption that the President exercised command still remained, however, and complicated the relations among President, secretary, and military chief. The military chief was military, the secretary political, and the President political and military. One might assume that the secretary, with his duty to represent the interests of his department, would be more military in outlook, if not in capability, than the President with his broader interests and responsibilities. The Constitution, however, reversed this relationship, and obscured the clarity of the hierarchy. Did the chain of command go up through the secretary, a civilian politician, to the President? Or were there two lines of authority emanating from the Presidency: a political-administrative line to the secretary and a military command line directly to the highest professional officer? These issues have beclouded American military organization down to the present day.

Three different types of civil-military organizational relations have existed among the President, secretary, and military chief. The *balanced pattern* assigns to the President a purely political function: the decision of the highest policy issues and the general supervision of the military establishment. Beneath him the secretary, also a purely political figure, is responsible for the entire military organization. Below the secretary, the hierarchy divides into military and administrative components. The highest professional officer is the leading military adviser to the secretary and normally has command of the military forces. He is subordinate to the secretary who is subordinate to the President, but neither of the two civilian officials exercise military command, which stops at the level of the military chief. Also subordinate to the secretary are administrative officials (civilian or military) who direct the nonmilitary supply, logistical, and financial activities of the department.

This balanced pattern of organization tends to maximize military professionalism and civilian control.<sup>28</sup> Civilian and military responsibilities are clearly distinguished, and the latter, on paper at least, are clearly subordinated to the former. The President and the secretary handle political matters; the military chief military matters; and the staff or bureau chiefs administrative matters. The scope of the authority of the professional military chief is limited to the military realm by the administrative bureaus, and the level of his

<sup>28</sup> The theoretical rationale of the balanced pattern was developed in A. T. Mahan, "The Principles of Naval Administration," *Naval Administration and Warfare* (Boston, 1908), pp. 3-48, and Spenser Wilkinson, Preface to the 2d edition of *The Brain of an Army* (London, 1913). Mahan's essay and Wilkinson's preface are brilliant analyses of executive military organization and are basic to an understanding of the subject.



authority, subordinate to the secretary, does not often involve him in overt political decisions. Administrative and military interests are balanced by the secretary under the authority of the President. English civil-military relations have been organized along comparable lines since the last half of the nineteenth century. Between 1794 and 1870 the War Office administered the civilian affairs of the army, and the Commander in Chief, directly under the sovereign, was responsible for military command and discipline. In 1870, however, the Cabinet insisted that the military chief be subordinated to the Secretary of State for War. A fully balanced scheme was achieved with the abolition of the post of Commander in Chief in 1895 and the subsequent creation of the office of Chief of the Imperial Staff. The same system also existed at the Admiralty. This organization was possible only because the sovereign consented, however reluctantly, to have his role as first general and admiral become, in Bagehot's phrase, a "dignified" part of the constitution. The "efficient" hierarchy of control ran from Parliament to Cabinet to Prime Minister to Secretary of State for War and then to the military chief and the administrative bureaus of the War Office. In the United States, however, no President has permitted his constitutional functions as Commander in Chief to atrophy. These remain efficient and not dignified. Consequently, the balanced pattern of organization has been difficult to achieve and even more difficult to maintain. In American government the Navy Department alone since 1915 has attempted to organize itself along these "balanced" lines. Only with great difficulty has it maintained this organization against the pressures of the Chiefs of Naval Operations either to expand their authority over the bureaus or to establish a direct line of responsibility to the President.<sup>27</sup> American civil-military relations almost inevitably tend in the direction of other arrangements which tend to weaken military professionalism and civilian control.

The *coordinate scheme* involves the separation of military and administrative functions immediately below the President. The secretary is limited to non-military administrative duties, and the military chief discharges his military functions directly under the President. The chain of administration goes from President to Secretary to bureau chiefs; the chain of command from President to military chief to the military forces. This accords with constitutional theory and keeps civilians, except the President, out of the military hierarchy. It tends, however, to undermine civilian control. The scope of the authority of the military chief is limited to military matters, but the level of his authority with direct access to the President involves him in political issues. The President is normally too busy with other affairs to devote sufficient attention to the interrelation of political and military policies, and the military chief consequently has to make political decisions. His direct access to the President also

<sup>27</sup> See U. S. Navy Dept., *Naval Administration: Selected Documents on Navy Department Organization, 1915-1940*, *passim*; R. E. Coontz, *From the Mississippi to the Sea* (Philadelphia, 1930), p. 400; Ernest J. King and Walter Whitehill, *Fleet Admiral King: A Naval Record* (New York, 1952), pp. 261 ff., 471-478; Paul Y. Hammond, "The Secretaryships of War and the Navy: A Study of Civilian Control of the Military" (Ph.D. Thesis, Harvard University, 1953), pp. 223-246, 293-305.

encourages the latter to try his hand at military affairs and to intervene in professional military planning and command where he has no special competence. The Army and the War Department were organized on a coordinate basis from 1821 to 1903. The Secretary of War was responsible for fiscal and administrative matters and supervised the activities of the staff departments. The Commanding General of the Army, on the other hand, was independent of the Secretary and directly responsible to the President for the military command and discipline of the Army. The result was continuous friction erupting at times into violent acrimony between the Secretary and the Commanding General.

The *vertical pattern* solves the problem of the Commander in Chief clause in a different manner, but one equally inconsistent with civilian control. In this scheme the secretary and the military chief have identical supervisory responsibilities. The administrative bureau heads are subordinated to the professional military chief, and the professional military chief is subordinated to the secretary who is in turn responsible to the President. Since the President is still Commander in Chief, and some connection must exist between him and the rest of the military hierarchy, the secretary is given a place in the military chain of command and is described as the President's deputy commander in chief or in some similar terms. The military chief, however, is given control over all the activities of the department under the secretary, the specifically military command and planning functions being delegated down the hierarchy to a subordinate of the military chief's on the same level as the administrative chiefs of bureaus. This prevents the military chief from achieving direct access to the President because his responsibilities are identical with those of the secretary. He can claim no peculiar relation to the President. On the other hand, he supervises all the activities of the department below the secretary and, by reason of long familiarity with the establishment, may be able to reduce the transient secretary to a figurehead. By combining in his own person political and administrative responsibilities, as well as functions of military command, the military chief transgresses beyond his competence. He sacrifices higher level for broader scope which is equally damaging to his professional status. Also, the extension of the constitutional myth so that not only the President but also the secretary is assumed to exercise military command violates the facts of reality. Since 1903, the General Staff system of the Army has closely approximated the vertical pattern of civil-military relations.

The National Security Act of 1947 raised the problem of executive civil-military relations from the single service level to the central defense level. The Act itself was a compromise, not clearly and definitively establishing any one of the three patterns of civil-military relations. Elements of the coordinate system, however, existed in those provisions of the Act which made the Joint Chiefs of Staff the "principal military advisers" to the President and to the National Security Council and which placed the Chiefs under the "authority and direction" of the President as well as the Secretary. In actual practice the Joint Chiefs organization at times tended to view itself as a semi-autonomous corporate body not wholly subordinate to the Secretary of Defense. In addi-

tion, in both the Truman and Eisenhower Administrations the Chairman of the Joint Chiefs was more than just a professional military adviser. He played a key role in the formulation and advocacy of national policy. It is still too early to say finally which of the three patterns of civil-military relations the Department of Defense will approximate. But it is clear that the constitutional hindrances to the achievement of the balanced system have not been entirely overcome.

#### VI. CIVILIAN CONTROL AND CONSTITUTIONAL GOVERNMENT

Objective civilian control has at times existed in the United States. It has been, however, the product of geographical isolation and the international balance of power which permitted the virtual elimination of standing military forces and the exclusion of the military from political power. Civilian control in this sense has been so effective that Americans have called it a fundamental principle of their system of government. But they have been deluding themselves in ascribing to the Constitution a virtue of geography. Objective civilian control in the United States has been extra-constitutional, a part of our political tradition but not of our constitutional tradition. Civilian control has, in a sense, been like the party system. The Framers did not foresee the rise of popular democracy; consequently, they did not provide for political parties. They did not foresee the rise of the military profession; consequently, they did not provide for objective civilian control. Neither is contemplated in the Constitution, yet both have been called into existence by nonconstitutional forces. The Constitution has contributed its share to obstructing the growth of a strong party system such as exists in Great Britain. It has also contributed its share to obstructing effective civilian control such as exists in Great Britain. The restraints of a written constitution have proved effective against some of the most powerful functional imperatives.

The question thus arises: To what extent is it possible, short of amending the Constitution, to provide for objective civilian control in the existing framework? The difficulties are constant but they are not all of equal strength. The extent to which the Commander in Chief clause operates to damage civilian control largely depends upon the individuals who occupy that office. It adds nothing and detracts much from military professionalism and civilian control. The British Prime Minister who is not Commander in Chief and has no military functions has more effective control over his military forces than does the American President. The principal positive use of the clause has been to expand presidential power against Congress in nonmilitary areas. If the clause can come to be viewed primarily in this nonmilitary sense; and if presidents would exercise constitutional self-restraint so as to make their military command of the armed forces as honorific as that of the king of England, this obstacle to civilian control would be removed, and a balanced pattern of executive organization be made workable.

The militia clauses directly hamper the development of military professionalism in only one segment of the armed forces. Conceivably, of course,

Congress could abolish dual control over the militia. But in the face of the political strength of the National Guard this hardly seems likely. And, given the existing situation, it probably would not even be desirable. The more appropriate course is to make the best of the situation of military federalism. The existence of the Guard will necessarily prevent the development of a strong and ready national reserve organization. The Constitution has made the Guard into a powerful political force, and it is not inconceivable that this political strength may make the Guard into an effective military organization. At the end of 1954, the Army and Air National Guard had almost 400,000 men on drill pay status—twice the number of the Army and Air Force Reserves. At the beginning of 1956 Guard ground forces consisted of twenty-one infantry divisions, six armored divisions, nine regimental combat teams, nine armored cavalry regiments, 123 antiaircraft battalions, seventy-four field artillery battalions, and miscellaneous other units. The Air National Guard was organized into twenty-seven combat wings. The readiness of the Guard was at a higher level than ever before in its history. Many of the antiaircraft units and interceptor squadrons were participating in the air defense of the nation on a semi-active alert status.<sup>28</sup> By its very nature the National Guard can never be brought fully within objective civilian control. But it may still be possible to create a respectable reserve force within the existing constitutional and political framework.

The real constitutional stumbling block to objective civilian control is the separation of powers. This is the essence of the American system of government, and its impact is felt throughout the armed forces. Short of fundamental constitutional change, the separation of powers cannot be altered. Indeed, it is highly questionable even if such change were possible, whether it would be worth the price. There are values other than civilian control and military professionalism, and these were the values the Framers had in mind when they wrote the Constitution. Foreign countries may have more effective systems of civilian control but no country has as effective a system of restraints upon arbitrary political power or such a unique balance of executive unity and legislative diversity. Inevitably, both military officers attempting to adhere to professional standards and civilian secretaries attempting to exercise civilian control look with envy to the cabinet system. Such a system, however, is not for the United States. Within the framework of the separation of powers, institutional adjustments can be made which will reduce its deleterious effects upon civilian control. But it will never be possible to eliminate these effects completely. A lesser measure of objective civilian control and lower standards of military professionalism are the continuing prices the American people will have to pay for the other benefits of their constitutional system.

<sup>28</sup> Secretary of Defense, *Semiannual Report, July 1 to December 31, 1954*, p. 58; *New York Times*, January 13, 1956, p. 6; *New York Herald Tribune*, November 22, 1953, p. 1. November 20, 1955, Sec. 2, p. 3.

## NEWTON D. BAKER ON EXECUTIVE INFLUENCE IN MILITARY LEGISLATION

[The following letter from Professor White's files was offered to the *Review*, by a happy coincidence, just in time to be read in conjunction with the two preceding papers. It was written, as the text shows, in response to the receipt of a copy of his book (Urbana, *University of Illinois Studies in the Social Sciences*, Vol. XII, nos. 1 and 2). Mr. Baker was then in the private practice of law in Cleveland. MAN. ED.]

May 8, 1925

Dr. Howard White,  
Ohio Wesleyan University,  
Delaware, Ohio.

My dear Dr. White:

I have received and read with great interest your monograph on "Executive Influence in Determining Military Policy in the United States."

With the period covered by Parts 1 and 2, I cannot profess any intimate familiarity. From 1861 on, however, I have had occasion to study the problem and feel that I am on familiar ground as I read your comments.

Two conflicts are age-old in the question of American military policy,—first, that between the organized militia of the several states and the regular army, and second, that between the bureau chiefs and any centralized staff control. With the second of these conflicts Secretary Root dealt comprehensively and, in my judgment, demonstrated himself to be the greatest Secretary of War the country has ever had. From the time of the passage of the General Staff Bill, however, until now, the efforts of the bureau chiefs to secure independence have been persistent, and during my administration of the War Department they nearly succeeded, but for a decision which I made on legal grounds interpreting an act which the Congress probably intended to have the effect of an entering wedge against the General Staff.

The fact is that legislative determinations of military policy are more profoundly influenced by military men than they are by the executive directly, or by spontaneous legislative impulse. Nearly every member of the House and Senate committees on military affairs, and many other representatives and senators, have pet soldiers with whom they confer and whom they regard as counsellors who will steer them clear of all the vices of opinion which they attribute to the General Staff and to the executive informed by the General Staff. Ambitious young majors and captains make the social acquaintance of senators and representatives and so impress them with their military knowledge, and thereafter the Secretary of War and the Chief of Staff, when they urge military legislation, find themselves facing measures and suggestions offered by members of the committees, but drawn by these ambitious and intelligent young men, which are often excellent, but more often are unconsciously influenced by bureau or arm ambition.

The worst form of this conflict arises from the presence in Washington of large numbers of retired officers who, having nothing else to do, seek to run the War Department and the army by the use of the social vehicle, and are constantly trying to restore the army to what it was in their day, having the common human belief that the Golden Age is always in the past. The most powerful influence in military affairs in Washington during the first three years of my residence there was General Ainsworth, former Adjutant General, a retired officer and an intimate friend and counsellor of Mr. Hay. I never saw General Ainsworth, but I felt his presence at every turn, and so nearly as I could discover, he was a man of great talents, but wedded to old army methods and old bureau methods and having very pronounced likes and dislikes in the army.

When I went to Washington, Secretary Garrison had resigned, and the President had accepted the Hay-Chamberlain compromise. I found it possible to exert but little

influence on that bill and my acceptance of it was merely the acceptance of a *fait accompli*. It was the product of the attrition of the national guard lobby upon the regular army lobby, and I have always believed it was probably as effective a compromise as could have been hoped for. The use I made of it was to bring about the immediate federalization of the national guard, and the disturbance on the Mexican frontier gave us an opportunity to train the federalized militia in a way that constituted our most important preparation for the later European conflict. Fortunately, we were able to get the militia pretty nearly to war strength before April, 1917, and were therefore able to have the new army built consistently on the Draft Law without a protracted period of volunteering, which would have greatly complicated the operation of the draft.

You may be interested in the history of the Draft Law. My belief is that the suggestion came from General Leonard Wood. It came to me through Major General Hugh L. Scott, Chief of Staff, some time in January, 1917. General Scott urged that it was the democratic and effective, if not necessary, way to raise armies on a large scale, and told me that he had discussed it with General Wood, who agreed with him about it. I immediately examined the history of the Civil War draft and the British experience in the World War, and came to the conclusion that the draft was necessary to prevent the disorganization of the industries upon which the war depended, and the continuity of other vital governmental operations and grave social injustices and disturbances. In addition to this, it seemed to me to assert the obligation of national defense in the only way consistent with fundamental democratic theory. Having reached this conclusion, I took the matter up with the President. We discussed it perhaps for an hour, at the end of which time he told me that he was satisfied that my conclusion was right and that I should start immediately to prepare a suitable law and that if we actually came to war, he would ask draft legislation in his war message to Congress. I called General Enoch Crowder, then Judge Advocate General, to my office and asked him to prepare the law. General Crowder is a brilliant and accomplished lawyer and a thoroughly informed student of military history. He expressed grave doubts that such a law would be accepted by Congress or the country. I told him that question was decided and that he should prepare the draft. This he did in cooperation with me. For several weeks we discussed, daily, difficulties and policies which arose as the law was being drafted. Finally, when the President read his war message, he did include a request to the Congress to enact a draft and promised that a suitable law would be presented. On the same afternoon, General Crowder and I took the draft to the Congress and started discussing it with the committees. In the Senate the difficulty was not great. In the House it was *very* great. The President did use his influence to the limit to get the bill through and I spent weeks considering and rejecting compromises suggested by members of Congress, with the result that the bill was enacted substantially as presented.

I, of course, note the contrast you draw between the President's unwillingness to press the continental army of Mr. Garrison, and the vigor with which he fought for the Selective Service Law. In the one case, the President was merely cooperating with the Congress in the determination of a permanent military policy; in the other, as Commander-in-Chief, in the presence of actual major war, he was demanding fight instruments to accomplish an urgent purpose. This, I think, accounts for the difference in his point of view and action.

Cordially yours,  
(Signed) NEWTON D. BAKER  
NEWTON D. BAKER

# THE CHANGING ROLE OF THE NATIONAL GUARD

BENNETT M. RICH AND PHILIP H. BURCH, JR.

*Rutgers University*

The dual status of the National Guard as a component of the national defense establishment and as a military force under state control has long been an object of Congressional and military concern, and lately has drawn some scholarly attention. It has not been generally appreciated, however, that without benefit of legislation or much public notice the domestic function of the Guard has been subtly and radically transformed during the past decade. From an embodiment of force it has become largely an instrument of rescue and relief. The change appears to be bringing a welcome increase in local prestige to this sometimes neglected and often controversial organization. But it suggests a serious problem in case an atomic attack should result in the mobilization of the Guard into national military service just at a time when its new domestic services are most urgently needed at home.

Prior to World War II, governors called upon the National Guard to perform a variety of policing activities, such as the suppression of race riots and the control of labor disputes. Particularly during the depression, the Guard was called out to combat local disturbances and to curb labor-management conflicts. Lapses of gubernatorial discretion in this period were not infrequent.

The preservation of law and order of course remains a Guard function, though the instances are few within recent years. Prison riots have provided some occasions. In 1954, to take a more unusual example, the murder of the prospective State Attorney General resulted in a proclamation of martial law at Phenix City, Alabama. Local law enforcement authorities were replaced by Guardsmen who for 214 days assumed responsibility for the management of municipal affairs.<sup>1</sup> In October, 1955, the National Guard was called out to put down the violence which erupted during a labor-management dispute at New Castle, Indiana.<sup>2</sup> Widespread rioting at the time of the February, 1956, national stock car races at Daytona Beach, Florida, led to the mobilization of local Guard units.<sup>3</sup> Notwithstanding these and other cases of law enforcement duty, the policing function has been progressively overshadowed by the development of the state military bodies as community service organizations.

Since 1945, indeed, recourse to the National Guard for police work has fallen off so drastically that such an event today elicits considerable controversy. State executives have become increasingly cautious about summoning the Guard in the name of maintaining the peace. Their present reluctance is due in part to the accelerated growth of the regular state police forces within the last two decades. In mid-1938 the total strength of all state police organizations was a mere 8,413.<sup>4</sup> Two states, Nevada and Wisconsin, had fewer than a dozen

<sup>1</sup> U. S. *Annual Report of the Chief, National Guard Bureau, 1955* (Washington, 1956), p. 8.

<sup>2</sup> *New York Times*, October 11, 1955, p. 1.

<sup>3</sup> *New York Herald Tribune*, February 27, 1956, p. 1.

<sup>4</sup> *The Book of the States 1939-40* (Chicago: The Council of State Governments, 1939), p. 133. Florida had no state police organization until 1939, and many states restricted their police to highway patrol.

men each. As of June 30, 1953, on the other hand, the national total had risen to 21,632,<sup>5</sup> almost as many as New York City maintains. Other factors are the growth of a prosperous economy, the stabilization of labor-management relations, and the hostility of labor unions to National Guard intervention in industrial disputes. Outbreaks of overt racial antagonism such as frequently led to the mobilization of the Guard during the 1920's and 1930's have also fallen off sharply. In spite of recent tensions over the segregation issue, racial conflicts had not, until the Clinton, Tennessee incident in August, 1956, been of such magnitude as to compel any governor to order units of the Guard into action.

National Guard assistance to stricken communities has increased perceptibly during the last three decades. Between World War I and Pearl Harbor, this was, as a rule, viewed with skepticism. The prevalent attitude during the early twenties was aptly expressed by the officer in charge of National Guard affairs in the First Corps area:

Investigations and reports, [he declared] . . . indicate that this (community service) duty is most demoralizing to the morale of the National Guard. It has stopped recruiting and has no military value as instruction. It is, however, of splendid value to the citizen and has furnished ample protection to life and property.<sup>6</sup>

The frequency of National Guard community service work rose from an annual national average of four instances in the early twenties to nine at the close of the decade.<sup>7</sup> The trend did not increase appreciably during the 1930's. Since World War II, however, the yearly incidence of Guard aid to the community has doubled. Recognition of its growing importance was reflected rather belatedly in the annual reports of the National Guard Bureau after 1948, under the heading "Service to the State and Community."

The service trend has been most pronounced in connection with floods. Previously, National Guard activity in flood-damaged areas was, in general, limited to the prevention of looting. The devastating floods along the Ohio Valley in the spring of 1936 afforded numerous illustrations.<sup>8</sup> In New England too, state troops were placed on patrol duty in practically every major community along the Connecticut and Merrimack Rivers. When flood waters again inundated the Ohio and Mississippi Valleys in 1937, thousands of Guardsmen were mobilized in four different states to protect abandoned homes and stores from pillage.<sup>9</sup>

<sup>5</sup> *Ibid.*, 1954-55, pp. 282-283.

<sup>6</sup> U.S. *Annual Report of the Chief of the Militia Bureau, 1922* (Washington: 1922), p. 43.

<sup>7</sup> These figures of Guard duty are approximations. The annual reports of the National Guard Bureau relating to the use of state military forces " . . . are very general in character, are lacking in detailed information, and are not regarded as either complete or authoritative. . . ." U.S. *Annual Report of the Chief of the National Guard Bureau 1936* (Washington: 1936), p. 16. In addition, the content of these reports has varied greatly over the last thirty years. Some accounts contain an elaborate description of National Guard state activity, while others do not carry a single line on the subject. This absence of uniform reporting standards still persists.

<sup>8</sup> E.g., *New York Times*, March 21, 1936, p. 7.

<sup>9</sup> *Ibid.*, January 28, 1937, p. 16.



The character of the National Guard's community service has altered markedly in the last decade.<sup>10</sup> The former emphasis on patrol duty has shifted to more extensive participation in the evacuation of flood victims, the establishment of relief centers, and the provision of emergency medical supplies and treatment. The National Guard today also employs its technical skills and equipment during and after an emergency. In addition to its manpower, it has at its disposal aircraft, communications systems, and amphibious and heavy equipment vehicles. Forest fires and serious storms furnish another type of occasion for help. In addition to actual fire-fighting, Guard units now supply food and shelter to the homeless and provide communications services to fire-fighters. A common form of National Guard assistance to communities ravaged by hurricanes or tornadoes is the establishment of field kitchens for the hungry and the utilization of local armories for housing the temporarily displaced. Air National Guard units from Louisiana and California flew in emergency supplies to aid local detachments on the scene in relief and reconstruction work following the famous Texas City explosion of April, 1947; this was an unusual example of interstate cooperation.

National Guard community services have not been confined solely to major disasters. Mercy flights frequently include the transportation of desperately ill persons to distant hospitals and the carrying of rare serums to meet special emergencies. The Guard has often been called upon to assist in searches for lost or marooned persons, escaped criminals, and possible victims of accident or foul play. During a drought in the New Orleans area in 1950, Guardsmen car-

<sup>10</sup> A survey entitled *Participation of National Guard Units in Post-War Civil Emergencies* was prepared in October, 1953, by Ruthrauff and Ryan, Inc., a research agency, for the National Guard Bureau. According to this report, the incidence of Guard state activity from 1947 to 1953 was as follows:

<i>Type of Activity</i>	<i>Number of Instances</i>	<i>Per Cent</i>
Floods	115	29.7
Windstorms	59	15.2
Search for lost persons	55	14.2
Fires and Explosions in cities	24	6.2
Forest fires	23	5.9
Transportation of ill or injured persons and medical supplies	23	5.9
Snowstorms	20	5.2
Traffic and crowd control	15	3.9
Aircraft and train wrecks	14	3.6
Strike duty	8	2.1
Search for escaped prisoners and prison riot control	6	1.6
All other	25	6.5
Total	387	100.0

For an earlier, though incomplete, compilation of National Guard action during the 1918-1947 period, see pp. 180-181 of *Reserve Forces for National Security*, Report to the Secretary of Defense by the Committee on Civilian Components (Washington: 1948). For a detailed list of National Guard state action from 1934 to 1935, see 80 *Congressional Record*, 2069-2081. Current illustrations will be found in the annual reports of the National Guard Bureau, 1947 to 1954.

ried in over a quarter of a million gallons of water for drinking and cooking purposes. In the middle of a severe winter the Minnesota National Guard transported much-needed provisions to Indians isolated in the northern part of the state. At the request of the United States Forest Service in 1954, an Idaho unit fired high-explosive shells into the base of great over-hanging slabs of snow to eliminate the possibility of an avalanche in Sun Valley. In order to reduce the death toll over the 1954 Labor Day weekend, 682 Michigan Guardsmen were called out on a volunteer basis.<sup>11</sup> Connecticut followed suit on Memorial Day, 1956.

This sort of record of community service in recent years is an important factor in the increased prestige which the Guard has come to enjoy. The role of the individual members has been in large measure reversed. Guardsmen now are called upon principally to help their neighbors, in marked contrast with their former all too frequent duty of being arrayed, in battle garb, against the people of their own communities.

How far this trend will go depends in part upon appropriate recognition by state and federal officials of its value. State use of the Guard may easily be abused. Individual Guardsmen are being asked as volunteers in some states to bear burdens which should be shared by the entire citizenry. Community service action by the Guard is often not officially authorized, for to do so would entail the expenditure of state funds. In an emergency, individual units may be ordered into action on a volunteer basis by their local commanding officers. The state headquarters has little recourse but to condone this. Fighting a fire or a flood would seem to offer practical training, especially in combatting an atomic attack, but this duty is not recognized for training purposes by the federal authorities, and consequently no federal payments accrue. If both the state and the nation benefit from the Guardsman's action, it can be argued that both levels of government should share in the costs.

The community service function of the Guard raises questions concerning future policy. For example, is the civilian defense and disaster control effort being slowed by state reliance upon the Guard? In previous decades the Guard was sometimes used as an inexpensive substitute for a state police. There is a danger that today the Guard may be considered an inexpensive substitute for a civilian defense and disaster control organization.

A more basic question is whether the community assistance activities should be assumed by other agencies. As a component of the Ready Reserve the National Guard is subject to immediate mobilization and assignment whenever the armed forces of the nation are needed. In World Wars I and II virtually the entire Guard was utilized. In the Korean incident selected units were mobilized for national purposes. Almost certainly, any war emergency would deprive the states of their military units. Their principal resource against disaster would suddenly disappear.

Initial steps toward the provision of alternative sources of trained manpower

<sup>11</sup> John W. Lederle and Robert H. Pealy, "'Halo' over Michigan Drivers," *State Government*, XXVII (December, 1954), 252-254.

have taken two forms. One is through legislative authorization for civil defense forces to operate in the event of disaster.<sup>12</sup> However, in most states the civil defense forces are not sufficiently organized, trained or equipped to cope with a disaster of any magnitude. They would be hopelessly, indeed dangerously, inadequate in the event of civil disorder.

A second alternative is to organize additional state military forces. In 1955 Congress was persuaded to enact legislation authorizing this.<sup>13</sup> The argument of its proponents was summed up by the Assistant Secretary of the Army:

Present law prohibits peacetime State military forces other than the National Guard. Therefore, State Militia, needed to perform internal security or civil-defense missions when the National Guard is ordered away in Federal service, cannot be organized and maintained now. Such forces should be made ready before any emergency when their immediate availability could be decisive.<sup>14</sup>

The 1955 act does nothing more than authorize additional state military forces. The federal government assumes no responsibility. The entire cost of organizing and training a second body of troops thus would rest upon the individual states, though the federal government might, of course, distribute surplus equipment as was done for State Guard units in World War II.

Thus far, the new legislation has produced no significant results. Governors and state legislatures are preoccupied with meeting public demands for schools, highways, and other services. In most states, a request for funds to set up a substitute military organization would have low priority. The recent act therefore offers little hope for those seeking additional protection against disaster. Indeed, authorizing the states to organize new military forces, unrestrained by federal standards of training and discipline, has opened the door to possible new risks if the authority were suddenly invoked in a time of panic.

A better alternative might simply provide for the enlargement of the Guard with a mutual federal-state understanding that, in the event of Guard mobilization for national purposes, a small percentage of each state's total manpower and equipment would be retained for local emergencies. To hold back perhaps ten or fifteen percent of the troops would negate to some degree the present theory that each state's force constitutes an integral part of the whole defense system. But some adjustments would have to be made under existing conditions. From an enlarged Guard, a reserve could be drawn which would more than suffice in the event of minor civil disorder. Such a body would also provide the trained and disciplined nucleus essential for the support of civilian defense and disaster control agencies.

<sup>12</sup> As of mid-1955 forty-one states had passed enabling legislation. *The Book of the States 1956-57*. (Chicago: Council of State Governments, 1956), p. 348.

<sup>13</sup> 69 Stat. 686.

<sup>14</sup> Statement of Hugh M. Milton II, Assistant Secretary of the Army, in *Hearings Before the Committee on Armed Services, United States Senate*, 84 Cong. 1 sess, on H.R. 7289, July 28, 1955 (Washington: 1955), p. 6.

## ONE-PARTY POLITICS AND THE VOTER\*

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The existence of one-party systems of politics within the larger framework of the democratic society merits an increased share of the attention of students of American politics. For too long the common conception has been that one-party politics is a problem unique to the Southern states. This misconception persists even though systematic studies such as the monumental work of V. O. Key and Alexander Heard have illustrated that the politics of the so-called Solid South is in many respects the politics of the nation.<sup>1</sup>

As a case in point, an examination of the composition of contemporary legislative delegations indicates that monopolistic control of elective offices is clearly not the exclusive province of the Southern Democrats. In 1955, three out of every four state legislative bodies or congressional delegations were so completely dominated by a single political party that that party controlled more than 66 per cent of the members of the group. Excluding the 15 Border and Southern states, fully half of the remaining 33 state legislatures were controlled by one party holding at least two out of every three seats; in only six states was the controlling margin below 55 per cent. Within the same group of non-Border, non-Southern states, 25 of the 33 congressional delegations were dominated by one party controlling two-thirds or more of the delegation members; only four delegations were so evenly divided as to give the majority party less than 55 per cent of the members.

Perhaps somewhat more familiar to students of political statistics is the knowledge that over three-fourths of all congressional districts can be classified as relatively safe districts in which a candidate representing the majority party can count on receiving at least 55 per cent of the two-party vote for his office.<sup>2</sup>

The following discussion will suggest that fundamentally important aspects of the political process may be discovered if attention is focused on the phenomenon of single-party dominance of politics. In an attempt to illustrate one version of the "proper" focusing of attention, the discussion will be addressed to the task of describing some of the effects, or some aspects of the impact,

\* This analysis is based in large part on data from a national sample survey conducted by the Survey Research Center, University of Michigan, under the sponsorship of the Political Behavior Committee of the Social Science Research Council. While the author is grateful to the Center and the Committee for access to the data, neither the Center nor the Committee bears any responsibility for this analysis. The author is also indebted to Joseph Humorestok, University of California, for his most valuable assistance in planning the analysis of data on which this discussion is based, and to Angus Campbell, Director of the Survey Research Center, for his critical appraisal of and contribution to the subsequent interpretations.

<sup>1</sup> V. O. Key, Jr. and Alexander Heard, *Southern Politics in State and Nation* (New York 1949). See also V. O. Key, Jr., *Politics, Parties and Pressure Groups*, 3rd ed. (New York, 1953), pp. 224-31, and *American State Politics* (New York, 1956).

<sup>2</sup> Malcolm Moos, *Politics, Presidents, and Coattails* (Baltimore, 1952), pp. 24-29.

which single-party dominance has on the political behavior of the individual voter.

In the general case, the phenomenon with which we are concerned may be said to be the relative extent of single-party dominance of politics. However, the process of concretizing this statement forces us to make at least two tentative, restrictive assumptions before proceeding with an analysis of the phenomenon. Inasmuch as "dominance" can be found at many different levels of politics (precinct, ward, city, county, congressional district, state, regional) and with respect to almost as many different levels of government (city, township, county, state, or nation), we will have to define the limits of our initial investigation in a rather arbitrary fashion. The major independent variable as we shall treat it will be the relative one-party dominance which obtains in the two-party vote division among voters of a single county. The particular vote division selected for study will be that found among the votes cast for President in 1952.<sup>3</sup> The assumption that dominance within the *county* is a meaningful form or locus of dominance will be supported in the discussion which follows. The question of whether dominance on other levels may be more meaningful must be tested by an independent investigation. Similarly, the assumption that the vote for President is, in fact, the vote most pertinent for most people in defining political dominance must, in an independent context, also be tested.

The counties to be studied, 72 in number, are further defined for us by the availability of relevant and crucial data. They are the counties included in the Survey Research Center sample of the adult citizens of the United States as that sample was selected for the SRC study of the 1952 presidential election.<sup>4</sup> Because of the rather unique nature of the two-party competition in the South in 1952, an additional 23 counties representing the 15 Border and Southern

<sup>3</sup> The time base selected for study is also more or less arbitrarily chosen. The entire analysis reported here was also carried out using the average division in votes cast for President over the years 1936-1948. The pervasiveness of the swing to the Republican presidential candidate in 1952 resulted in a relatively even shift of from 10 to 15 percentage points, from the 1936-1948 average, in most of the areas with which we shall be concerned. Consequently, the two analyses (one using the period 1936-1948 as a base, the other using the one year, 1952) are completely parallel with respect to most major findings. The final selection of 1952 as the base year followed from two major considerations. (1) The analysis is not centrally concerned with problems of historical trend or development. The assumption that significant trends did—or, indeed, did not—precede the 1952 election constitutes an assumption that lies outside the framework of the analysis. Although the historical or developmental context of the analysis is, for the most part, ignored in this discussion, it clearly calls for careful examination as a separate enterprise. (2) All of the survey data used in the analysis pertain to the election of 1952 and have been validated only for that election.

<sup>4</sup> With the exception of the county election data, all of the data presented in this discussion were produced by the SRC study. A full description of that study, and of the data reported here, may be found in the volume *The Voter Decides*, by A. Campbell, G. Gurin, and W. E. Miller (Evanston, 1954). It should be noted that this investigation of one-party dominance was not anticipated in the design of the SRC study. Many of the apparent inadequacies in the data should be interpreted with this in mind.

states are not included in the present analysis, but are reserved for a subsequent and separate investigation.<sup>5</sup>

Throughout the analysis, persons residing in the 72 counties are studied not as residents of particular counties but as persons who have experienced one of four different types of one-party dominance. The counties, and thus the persons in the sample, are subdivided into four categories ranging from one group representing the most pro-Democratic counties in the nation (outside of the South), through two intermediate groups of counties, to a group at the other extreme representing the most pro-Republican counties. We are not particularly interested in what happens in the "pure-type" Democratic counties or in "Republican" counties as these categories might be defined by some absolute norm. We are interested, rather, in what happens to voters who live in counties that are more, or less, predominantly Democratic (or more, or less, predominantly Republican) than other counties with which they can be compared. Consequently, attention is not focused on any one or two categories of counties. Instead, the analysis emphasizes the relationships which are found to inhere in the continuum of *relative* partisan dominance.<sup>6</sup>

<sup>5</sup> Preliminary investigation of the Southern and Border state data indicated substantial discontinuities between them and the data representing the rest of the nation.

<sup>6</sup> This is an important consideration which governs the categorization of counties. As can be seen in Table I, the "most Republican" counties were in 1952 more extremely pro-Republican than the "most Democratic" counties were comparably pro-Democratic. If the 1936-1948 average were used, instead of the data for 1952, the situation would be reversed (without seriously rearranging the counties), with few or no counties being as extremely pro-Republican as their most pro-Democratic opposite numbers. The difficulty of attempting to decide what *absolute* standards are sufficient to define "extremely Republican" or "extremely Democratic" under two such different situations as represented by the 1936-1948 period and the one year 1952 is avoided, without adjusting or otherwise violating the data, by the use of the *relative* "most Republican" and "most Democratic" designations.

Tables II, III, and IV, and the exploratory analyses on which they are based, provide an empirical justification for talking about counties as being distributed on a continuum of greater-to-lesser Democratic (or Republican) dominance. Adoption of a fixed breaking point to define one-party control would seem to imply a discontinuity, or at least curvilinear-

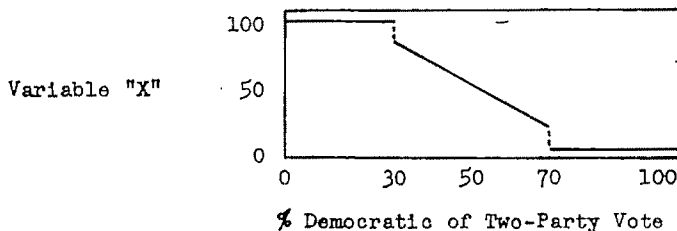


FIG. 1

earity, in relationships which, in fact, has not been observed in these data. One might assume, for example, that a partisan division as extreme as 70-30 would indicate a qualitatively different situation from that indicated by any more evenly balanced division, such as 65-35, 58-42, 51-49. One might assume further that once the 70-30 point was reached,

The subsequent discussion will be divided into three parts. We will first attempt to validate the simultaneous use of aggregate election data and individual survey data. We will next study the effects which single-party dominance has on relationships between each of three motivational variables and the voting behavior which is associated with them. Finally, attention will be given to the problem of discovering segments of theory which will satisfactorily knit together all of the relevant data.

# I

The first two tables of data to be presented give us no new substantive information. They merely serve as a means of demonstrating the validity of the survey sample and of the basic process of studying individual motivation and behavior with the aid of aggregate election data. These tables illustrate the close relationship found to exist between the official county election data and the individual data gathered in the sample survey of the national population. Those deviations which can be observed in the relationships are all well within the limits of probable sampling error. Table I indicates that, as should be expected from an adequate sample, reported individual behavior varies directly with the aggregate data of which the individual reports are but small samples.

In the major analysis of the SRC study, a good deal of attention was given to demonstrating that selected motivations were highly related to voting behavior. Inasmuch as the data were collected in a survey of the national population, they were individual rather than aggregate or group data. The

more extreme divisions would not alter the essentially "one-party" nature of the situation. If this set of assumptions were to be verified, one would then expect a general case of relationships involving party dominance and any other related factor to be something like that in Figure 1. In Figure 1, of course, co-variation between party dominance and Factor "X" is found only in the middle of the two-party vote range and disappears when either party gains complete control. In all relevant instances in the analysis with which this discussion is concerned, the observed relationships were of the general type where co-variation extended in an apparently linear fashion from one extreme of partisan dominance to the

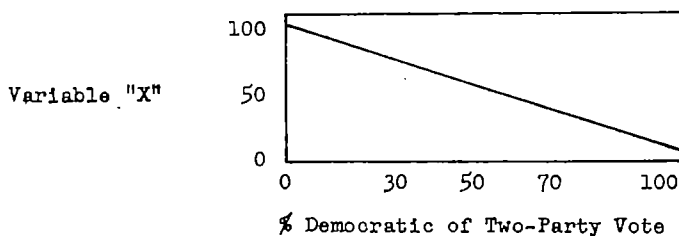


FIG. 2

other as in Figure 2. There was no indication that a real breaking point did in fact exist near either end of the dominance continuum. Consequently, the use of the concept of a continuum of relative dominance not only provides a needed solution to the methodological problem involved, but also appears to provide the solution most compatible with the relevant data. This is not, of course, intended to constitute an argument that all relationships involving party dominance are linear, nor that they are necessarily continuous.

TABLE I. REPORTED VOTE FOR PRESIDENT AMONG RESIDENTS OF  
FOUR GROUPS OF COUNTIES

Partisan Dominance, in Terms of Democratic % of Two-Party Vote for President, 1952, by County	Respondents' Reported Vote for President			
	Democratic	Republican	Non-Voter	Total
20%-30%* ("Most Republican")	48 (26%)	140 (74%)	28	216
31%-40%	93 (35%)	169 (65%)	57	319
41%-50%	138 (44%)	173 (56%)	67	378
51%-60%† ("Most Democratic")	104 (51%)	101 (49%)	42	247
				1,160‡

\* Includes 27 cases from two counties with Democratic proportions of 18% and 19%.

† Includes 9 cases from one county having a 62% Democratic vote.

‡ Fourteen cases where the vote of the respondent is unknown are excluded from this and all other tables.

data described three different types of reaction to political phenomena. The types were designated as Party Identification, Issue Orientation, and Candidate Orientation. Each of these variables was operationally defined so that the intensity and direction (partisanship) of each motivation possessed by a person could be inferred from the data relevant to that person.

TABLE II. INCIDENCE OF POLITICAL MOTIVATIONS\* AMONG RESIDENTS  
OF FOUR GROUPS OF COUNTIES

Partisan Dominance Democratic % by County	Motivations Associated with Political Preference									Total
	Party Identification			Issue Partisanship			Candidate Partisanship			
	Demo.	Neut.	Rep.	Demo.	Neut.	Rep.	Demo.	Neut.	Rep.	
20%–30%	71 (45%)	59	86 (55%)	57 (38%)	67	92 (62%)	22 (18%)	96	98 (82%)	216
31%–40%	110 (49%)	95	114 (51%)	102 (47%)	103	115 (53%)	46 (23%)	118	155 (77%)	319
41%–50%	163 (60%)	105	110 (40%)	135 (52%)	119	124 (48%)	74 (32%)	149	155 (68%)	378
51%–60%	128 (66%)	54	65 (34%)	97 (61%)	89	61 (39%)	55 (42%)	117	75 (58%)	247
										1,160

\* For a description of the definitions and meaning of these motivations, see Campbell, Gurin, and Miller, *The Voter Decides*, Part II.



Table II is perhaps the more important of the first two tables in that it demonstrates that the incidence of the sample of individual motivations related to the presidential vote varies appropriately with variations in a total count of the aggregate voting behavior of the counties. As the Democratic proportion of the two-party vote within the county increases, reading from top to bottom in Table II, so the incidence of motivations associated with the Democratic vote undergoes an increase relative to the incidence of pro-Republican motivations.<sup>7</sup>

## II

Having established the congruence of the two sets of data being used, we can next turn to the major analytic considerations. The addition of Tables I and II to previously published data establishes that each of three variables is positively and to a significant extent associated with the other two. In *The Voter Decides* it was demonstrated that individual motivations are positively and significantly associated with individual voting behavior. We have observed (in Table I) that individual data relating to voting behavior are appropriately associated with aggregate data also related to voting behavior. We have also observed (in Table II) the existence of the expected relationship between individual motivational data and aggregate voting data. The next question concerns the possibility that, despite the uniform consistency of these relationships, the degree of association between individual motivational data and individual voting data may somehow be affected by variations in the variable *measured* or "indicated" by the aggregate voting data. Does a variation in one of three interrelated factors influence or otherwise affect the interrelationship of the other two? We shall explore two sets of data in an attempt to answer this question. In the first instance, we shall utilize the four categories of partisan dominance to examine the *two-party vote division within a single category of motivation*. In the second instance, we shall also utilize the four categories of party dominance, but we shall be concerned with what at first glance seems to be no more than the mirror image of the first set of relationships, namely, the *incidence of each motivational factor within single categories of voting behavior*. In other words, we shall first study the voting behavior of persons with selected motivations and we shall then turn around and study the motivations of selected groups of voters.

Before examining the first set of data, two of the logical possibilities might be noted. We could expect either that (1) the relationship between individual motivations and behavior would be affected by the political environment provided by the county or that (2) it would be independent of variation in the political complexion of the county. If the former obtains, the data will demonstrate that the voting behavior of persons sharing a particular motivation

<sup>7</sup> Inasmuch as the individual vote-motivation relationships have been established elsewhere (see *The Voter Decides*, Chs. 7-9), Table II indicates that these relationships are so high that they persist even when one variable (voting behavior) is only indirectly reflected by the two-party division of all voters in the counties in which the possessors of these motivations being measured reside.

is not uniform but varies with some regularity in accord with, if not in response to, the variation in the two-party division within the county. If, on the other hand, the motivation-behavior relationship is independent of the political environment supplied by the county, persons who have a given motivation and who reside in one group of counties should divide their votes in the same manner as other persons who possess the same motivation but who live in a different group of counties.

When we utilize the four categories of partisan dominance within the counties to provide four different circumstances for studying the vote division within a single category of motivations, it becomes apparent that some factor associated with the partisan dominance which prevails in the counties does affect the motivation-vote relationship. As an example we may look at the voting behavior of persons exhibiting Democratic Issue Partisanship. The proportion of individuals who voted for Stevenson in each of the four groups varied consistently, with Stevenson receiving least support from persons of Democratic issue persuasion who resided in the "most Republican" counties and most support from residents of the "most Democratic" counties. This is expressed in Table III by numerical entries which indicate that Stevenson enjoyed a *margin* of 52 out of every 100 person who were Democratic Issue Partisans in the extreme Democratic counties (specifically, out of each 100 members of the adult citizenry, 69 voted for Stevenson, 17 voted for Eisenhower, and 14 did not vote at all), against a margin of only one person out of every 100 Democratic Issue Partisans in the extreme Republican counties (where 44 voted for Stevenson, 43 voted for Eisenhower, and 13 were non-voters).<sup>8</sup> Table III presents a summary of the data showing the relationship

TABLE III. THE VOTING BEHAVIOR OF PERSONS WITH SELECTED MOTIVATIONS, AS RELATED TO COUNTY ENVIRONMENT

Partisan Dominance Democratic % by County	Motivations Associated with Political Preferences*								
	Vote of Party Identifiers			Vote of Issue Partisans			Vote of Candidate Partisans		
	Demo.	Neut.	Rep.	Demo.	Neut.	Rep.	Demo.	Neut.	Rep.
20%-30%	18*	-46	-90	1	-37	-74	-9	-21	-71
31%-40%	33	-16	-85	5	-17	-64	41	1	-62
41%-50%	52	-26	-84	33	-5	-60	42	11	-54
51%-60%	48	-22	-72	52	-15	-56	47	11	-48

\* The entry in each cell is an index of voting partisanship. It is derived by subtracting the proportion of Republican *voters* from the proportion of Democratic *voters*. An index of 100 would indicate that all persons *voted Democratic*, while an index of -100 would indicate 100 per cent *Republican voters*.

\* Because of the complexity of the data involved, the relative margin of support (or opposition) will be used throughout the analysis as a summary index of the distributions being examined.

between the division of votes cast for President and the county environment, for persons exhibiting all three types of each of the three different motivational factors.

In Table III it can be seen that in every one of the 18 possible comparisons among persons exhibiting a pro-Republican motivation, but living in different categories of counties, the same impact of the partisan complexion of the county is demonstrated. The more pro-Republican the county, the larger the proportion of Eisenhower voters among persons with a common motivation predisposing to an Eisenhower (or Republican) vote. In 17 out of 18 comparisons, the same effect of the county environment can be noted for relationships involving pro-Democratic motivations. (The one exception involves the two bottom categories under Democratic Party Identifiers.) The chances are infinitesimally small that two such *patterns* of consistent relationships would occur by chance. Moreover, in most instances the differences between the extremes are large enough to warrant confidence at the one per cent level that such *individual differences* are not merely the result of sampling error.<sup>9</sup>

Neither the patterns nor the absolute differences are quite as striking for the various groups of "neutral" persons. Nevertheless, the impact of county environment on these groups is quite unmistakable and is consistent, in 14 out of 18 comparisons, with the findings relative to the motivated groupings. The systematic analysis of the neutral or non-partisan persons lies outside the present discussion. It might be noted, however, that "neutrality," as indicated by the measures of the three motivational variables, includes both indecision or conflict and lack of involvement. Unresolved conflict and lack of involvement both could be expected to produce a blurred perception of political phenomena or a reduced degree of sensitivity to the political environment, and either of these phenomena, in turn, might well explain the variations in question.

<sup>9</sup> An extension of the analysis indicates that the uniformity of the three motivation-vote relationships is not merely the result of the fact that each motivational factor is correlated with each of the other two as well as with the vote. First, the voting behavior of persons with different motivational patterns was examined. Persons possessing strong pro-Democratic motivations (pro-Democratic on all three factors or pro-Democratic on two and neutral on one) voted more heavily Democratic in extreme Democratic counties (with a Voting Partisanship Index of +70) than in extreme Republican counties (where their Vote Index dropped to +36). Similarly, persons exhibiting mildly pro-Democratic motivations (pro-Democratic on one factor and neutral on two, or pro-Democratic on two and pro-Republican on one) varied consistently from a +43 Vote Index in Democratic territory to +24 in Republican country. The comparable data for persons with Republican motivations showed the same pattern of consistent relationships.

In a second test, each segment of Table III was reproduced, but with the second and third motivational factors controlled. Although the number of comparisons was limited because of insufficient cases in many cells, this procedure again supported the thesis that each relationship observed in Table III exists independently of the other two factors. It should also be noted that the functional relationship between the county vote and the individual vote raises the possibility that the persistence of this relationship under the controlled conditions depicted in Table III is artifactual. Although this possibility cannot be denied with certainty, the preponderance of judgments obtained from statisticians on this point supported the presumption that the findings were, in fact, not spurious.

The most basic conclusion to be drawn from Table III is that the minority party suffers, as the majority party profits, from the lack of balance in the county division of partisan strength. The minority party not only has fewer persons possessing or exhibiting motivations supporting it (see Table II), and consequently fewer persons voting for its leading candidate than does the majority party (see Table I), but also receives smaller dividends from its supporting motivations. Conversely, the ratio of motivations to votes is much lower among majority party supporters.

The observed relationship is at least superficially similar to that noted by Schattschneider and others with respect to voting strength and success in electing candidates in two-party competition.<sup>10</sup> Just as the minority party seldom elects its "fair share" of candidates for office, so in the phenomenon with which we are concerned the minority fails to receive its "fair share" of votes if the relative incidence of supporting motivations is used as the criterion of fairness.

This finding may have more than incidental relevance for the understanding of the effectiveness of campaign activities. There is a strong suggestion that minority party campaigning is, perhaps to a larger extent than has been suspected, a discouraging, uphill battle. Given the very fact of minority status, one can expect that local organizational activity is at a minimum. Moreover, the situation seems to be one in which even if the "message" of the minority party can be conveyed to the voters (whether through organizational activity or through effective use of the mass media of communication), the results will be less than satisfactory. With proportionally less activity, or at least with proportionally less success in implanting the proper motivations, the majority party can hope for greater returns at the polls from its efforts than can the minority strategists. A corollary of this may be that, given a choice of action and limited resources, campaign activities will produce maximum results if concentrated in areas of strength rather than in areas of weakness. The notion that a party can do better by attempting to win votes in territory monopolized by the other party than by reworking friendly territory should at least be subject to modification. Unless there are virtually no additional votes available in one's own territory, effort expended there may well produce larger dividends than if the same effort is devoted to gaining converts from enemy territory.<sup>11</sup>

A second, and perhaps more important, implication relates to the persistence of one-party politics. Since this analysis does not, at this point, deal directly with the development or evolution of the political structure, we are limited to speculation concerning tides and trends in politics. The above finding does

<sup>10</sup> Elmer E. Schattschneider, *Party Government* (New York, 1942), pp. 74-80.

<sup>11</sup> This suggestion is made without benefit of insight into the nature of the effects which county environment may have on the evolution of political motivations. Although this is a fit subject for further study, we are here concerned only with the subsequent problem: given motivating factors, however developed, what effect does county environment have on the relationship between them and individual voting behavior?

suggest, however, that if—through whatever course of events—one-party dominance becomes established in a county, its very existence works against a redressing of the political balance and a revival of two-party competition. Much further investigation is needed before this suggestion, or hypothesis, can be established as a working description of this aspect of American politics. However, given the extent to which one-party politics dominates the local political scene of today, the testing of the hypothesis would appear to deserve high priority. It may be that, barring the intervention of events of major social or economic importance, the second party in local politics fights not for eventual primacy and dominance but merely to avoid extinction as a real political force. Demonstration that this is the case would provide crucial information relevant to a re-evaluation of the theories of democratic representation as well as to a reappraisal of the significance of federalism in American politics.

Before attempting additional statements of the implications of this finding, we must consider the second instance in which the effect of single-party dominance in the county is noticed in the motivation-vote relationship. Up to this point we have been looking at the voting behavior of persons with a particular political motivation. We may also turn the data around and look at the motivations of persons with a particular, reported kind of voting behavior.<sup>12</sup>

Given the data observed in Table III, it would still be quite possible to find any one of three relationships obtaining between variations in the political environment furnished by the county and variations in the incidence of motivations within groups of Democratic and Republican voters. It might be discovered, for example, that all four groups of Democratic voters, regardless of county environment, display the same "amount" of identification with party, adherence to party-line on issues, or support for party candidate. It might also be, and this perhaps a bit more in line with traditional expectations and speculation, that the less support a party's voters receive from their county environment, the more they behave like beleaguered and outnumbered intruders in hostile territory. From this latter base we would perhaps intuitively expect that voters whose party has something less than unanimous support in their county might, both logically and within the mathematical limits of the data, show more in-group feeling, more homogeneity with respect to partisan motivations, than would fellow members of their party who reside in counties in which their party is more dominant. Conversely, the third possible relationship, and the one which in fact tends to predominate, would find more heterogeneity, or less unity and less homogeneity, among voters who receive less reinforcement from their county environment. In Table IV it can be seen, for example, that in line with this third possibility, each 100 Democratic voters in the extreme Democratic counties boasted 19 more Stevenson supporters, as measured by Candidate

<sup>12</sup> It should be noted that the presence of a relatively large number of persons with no observed partisanship, relative to any one motivational factor, and the existence of a sizable group of non-voters allows these two ways of studying the vote-motivation relationship to produce results which are complementary but which have quite different implications. See note 9, above.

Partisanship, than Eisenhower supporters, while Democratic voters in the most Republican counties were split exactly 50-50 in their preference for the two candidates.

TABLE IV. THE MOTIVATIONAL CHARACTERISTICS OF SELECTED GROUPS OF VOTERS,  
AS RELATED TO COUNTY ENVIRONMENT

Democratic % by County	Motivations Associated with Political Preferences*								
	Party Identification of Voter			Issue Partisanship of Voter			Candidate Partisanship of Voter		
	Demo.	Non- Vote	Rep.	Demo.	Non- Vote	Rep.	Demo.	Non- Vote	Rep.
20%-30%	79	- 4	-37	33	7	-38	0	-29	-49
31%-40%	66	12	-43	25	17	-27	9	-18	-63
41%-50%	75	34	-42	40	30	-37	13	- 4	-55
51%-60%	73	48	-33	57	5	-25	19	5	-42

\* The entry in each cell is an index of motivational partisanship. It is derived by subtracting the proportion of persons with a pro-Republican *motivation* from the proportion with pro-Democratic *motivation*. An index of 100 would indicate that all persons in the group exhibited a *pro-Democratic motivation*, while an index of -100 would indicate unanimous *pro-Republican motivation*.

The general finding for both Republican and Democratic voters, with respect to Issue Partisanship and Candidate Partisanship, is that minority voters demonstrate *less unity or homogeneity* and more heterogeneity than do their majority counterparts.<sup>13</sup> These findings do not hold, however, with respect to Party Identification.<sup>14</sup> No significant relationship exists between county environment and Party Identification, either for Democratic or for Republican voters.

Insofar as the Democratic voters are concerned, the data related to all three factors are clear and unambiguous. It will be noted, however, that there are three deviations in Table IV in the data on issues and candidates. One of these, the relatively low pro-Eisenhower motivation found among Republican voters in most Republican counties (indicated by a Candidate Partisanship Index of -49), is large enough to warrant brief comment.

It might be thought that these Republican voters included a relatively

<sup>13</sup> Hereafter, when intra-party comparisons of groups of voters are made, the terms minority and majority will be used. The discrimination will be made only on the base of lesser and greater support from county environment. Thus, Democratic voters in counties voting 41-50 per cent Democratic will be minority voters when compared to Democratic voters in the 51-60 per cent Democratic category, and they will be majority voters when compared to Democratic voters in counties voting 31-40 per cent Democratic.

<sup>14</sup> For either Issue or Candidate Partisanship, the probability is less than one out of 100 that the observed relationship occurred by chance. For Party Identification, the combined data for both Democratic and Republican voters approach a completely random distribution. Out of 12 possible comparisons, six conform to the pattern observed for Issue and Candidate Partisanship and six run directly counter to that pattern.

greater proportion of Taft supporters than were to be found among Republican voters in less predominantly Republican counties. However, shortly before the election all respondents were asked whether they would have preferred some other nominee, and the eventual Republican voters in the extreme Republican counties indicated no greater preference for Senator Taft, nor any less satisfaction with Eisenhower, than did the other three groups of Republican voters.

It is also possible that intra-party factionalism may be responsible for a part of the ambiguity in the data. It might be hypothesized that factionalism tends to develop when one party is so dominant as to be able to afford the luxury of internal dissension or when the opposition party is so hopelessly outmanned as to reduce interest in the local two-party competition. In the absence of real competition, partisans of both persuasions may become so preoccupied with internal conflict as to give the impression that they are, in fact, less than completely devoted to their respective parties.<sup>15</sup> This hypothesis would, of course, be most clearly sustained if the indicators of the partisanship of groups of voters indicated great homogeneity for *both* parties in evenly divided counties and, at the same time, indicated least homogeneity for the dominant as well as the subordinate party in the extreme counties. In terms of the 1952 election, the extreme counties (outside the South) were pro-Republican; the most pro-Democratic counties were, in fact, relatively evenly divided. A positive test of the suggested role of factionalism should find, therefore, maximum homogeneity for both parties in the "most Democratic" counties and maximum heterogeneity among voters of both parties in the "most Republican" counties. Such was, most unmistakably, *not* the case. Consequently, we are limited to concluding that factionalism (1) may reduce the magnitude of some relationships and (2) may be responsible for some of the discrepancies and aberrations in other instances.<sup>16</sup>

It should also be pointed out that the deviations may be chance phenomena which occur as a function of the sampling process and do not necessarily, therefore, represent evidence contradicting the basic findings. In any event, none of the three deviations noted in Table IV provides sufficient grounds for dismissing the remaining consistencies with respect to Issue and Candidate Partisanship as not meriting further attention. Rather, we may conclude that the data clearly indicate minority group heterogeneity with respect to the two motivations involved.<sup>17</sup>

<sup>15</sup> V. O. Key, Jr., "The Direct Primary and Party Structure: A Study of State Legislative Nominations," this *Review*, Vol. 48, pp. 1-26 (March, 1954).

<sup>16</sup> Another possible explanation might be thought to lie in the distribution of 1948 Truman supporters who voted Republican in 1952. Some 10 or 11 per cent of the residents in each group of counties are to be found in this category of 1948-1952 switchers. Removing them from the columns of Republican voters does not, however, greatly change the entries in Table IV and does not eliminate the aberrations.

<sup>17</sup> Because our concern is with understanding the behavior of voters, we shall not examine in detail those data in Table IV pertaining to non-voters. Nevertheless, it should be noted that the non-voters appear to be extremely sensitive to their political environment; with but one deviation they reflect in all three motivations the relative impact of the postulated differences in environment.

Turning to the third factor being examined, the evidence indicates a uniformly high sense of Democratic Party Identification among Democrats, regardless of the county environment in which they find themselves. The level of identification is somewhat lower for Republican voters, but it also appears to be quite uniformly pro-Republican. The data suggest, then, that, of the motivational factors under investigation, Party Identification shows the greatest resistance to the assault of the countering majority forces of county environment.

A review of the major tables indicates two broad conclusions. Table III demonstrates that persons exhibiting partisan motivations, either Democratic or Republican, give their respective parties less frequent support at the polls if they live in a community where those motivations are in the minority than they do if they live in a community where their points of view are in the majority. Table IV illustrates that minority voters show markedly less evidence of supporting or reinforcing Issue and Candidate Partisanship than do their majority counterparts, but they do *not* show any less evidence of identification with the party they support at the polls. There is no support for the notion that the minority voter reacts to his minority status by accentuating his devotion to his party and to its leaders and policies. Instead, the minority voter appears to do no more than match the sense of identification with party which the majority voter expresses, and he actually shows less evidence of commitment to the candidates and issues which he supports with his vote.

### III

While these conclusions seem to constitute a new and possibly useful description of the role of single-party dominance in American politics, they also provide a series of new challenges. A corollary of the second conclusion, in particular, challenges the student of politics to pursue the implications of the findings, particularly with reference to the nature of change in two-party political competition over time. In the absence of some fifth factor which contributes to partisan motivation and which is distributed in such a manner as to offset the impact of the community environment and the accompanying diminution of vote-supporting Candidate and Issue Partisanship, the explanation which the data provide for the votes cast by minority voter groups seems clearly less adequate than that offered for the voting behavior of majority groups. Despite (or because of) the lack of relationship between Party Identification and county environment, when variations in voting are controlled as in Table IV, it is apparent that when all the motivational factors are considered together, minority voters exhibit significantly fewer "supporting" motivations (motivations which are consistent with and which may be held to "explain" their voting behavior) than do majority voters.<sup>18</sup> The interpretations which may be advanced to accommodate this finding are many.

<sup>18</sup> If one were to assume that under most circumstances Party Identification, too, gives less support to minority voters than to majority voters, the problem of explaining the minority vote would, of course, only be accentuated.



First, one may consider the notion that it only looks as though we have an authentic photograph of the Indian rope trick: when the next frame is developed we will find that the minority voters were not suspended in mid-air but were really in the process of plunging to earth. Somewhat more formally, it can be suggested that minority voters constitute groups significantly less stable than those composed of their majority counterparts. We may have observed them at a time when they had lost some of the motivational underpinnings of their accustomed political behavior, but before this loss was manifested in an actual change in the behavior itself. At the risk of suggesting an unduly simple and overly mechanical model for the analysis, it may well be that as the motivation-to-vote ratio is decreased, the subsequent behavior becomes less predictable, less stable, and more equivocal. Inasmuch as the groups of voters were defined in terms of a portion of that subsequent behavior, the validation of this thesis depends on utilizing other indicators of instability.

A number of preliminary tests were conducted in an attempt to assess the relative stability of minority voter groups. Three aspects of voting behavior were examined: time of arriving at final vote decision, consideration given to voting for the other candidate, and extent of ticket splitting. These items were presumed to be crude indicators of individual voters' indecision and vacillation.<sup>19</sup> A careful scrutiny of their incidence among the groups of voters did not disclose any evidence of disproportionate instability in the 1952 election on the part of minority voters, either Democratic or Republican.<sup>20</sup>

A fourth attempt to test for instability by referring to reports of previous voting behavior produced conflicting and consequently ambiguous findings. An examination of the respondents' reported 1948 voting behavior disclosed that, in 1952, 32 per cent of the reported Truman voters in extreme Democratic counties (extreme majority Democrats) either did not vote or else voted for Eisenhower. The proportion of defecting, i.e., unstable, Truman voters increased steadily to 33, 36, and finally to 49 per cent in extreme Republican counties. On the other hand, this pattern of higher instability and defection among minority groups did not hold for the Dewey voters of 1948; moving from extreme Republican counties to extreme Democratic counties, the proportion of defectors in 1952 held constant at nine or 10 per cent.

<sup>19</sup> For discussions of the use of these items as indicators of instability see Morris Janowitz and Warren E. Miller, "The Index of Political Predisposition in the 1948 Election," *Journal of Politics* Vol. 14, pp. 710-27 (June, 1952), and also *The Voter Decides*, pp. 17-26. It should be noted that the absence of supporting partisanship is not the same as absence of the motivational factor. Of the two dimensions measured for each factor, intensity or strength and direction or partisanship, we are concerned only with the latter.

<sup>20</sup> It is, of course, conceivable that we are observing a rather unique threshold-contingency relationship between motivational factors and behavior. If an individual's motivation is sufficient to produce a vote, it is also sufficient to produce the entire range of behaviors open to citizens; the addition of motivational factors, as in the case of the majority voters, does not produce any additional variance in behavior. Such an explanation is less than satisfactory on theoretical grounds and runs counter to observed relationships involving the same data. See *The Voter Decides*, Chs. 10, 11.

These first attempts to interpret the data by documenting a part of the dynamic nature of American politics were thus less than spectacularly successful. It is apparent, however, that less ambiguous indicators of instability, combined with panel-derived records of voting behavior over time, are needed to provide a satisfactory test of the utility of this particular line of speculation.

A second study of the theme of political change involves shifting from a concern with voting behavior to further consideration of Party Identification. It seems clear that for voters who were in the minority in their home communities, Party Identification in 1952 performed a relatively more important function in guiding their political behavior than it did for their fellow partisans who were in the majority in their respective communities (relative, that is, to the other motivational factors examined). Moreover, it does seem evident that, of the three factors, Party Identification is most likely to endure and persist unchanged over time. Candidate and Issue Partisanship of necessity depend for much of their existence on the quadrennial redefinition of the issues of political battle and on the selection of new champions. The parties, however, live from election to election as among the most durable of our political institutions. This aspect of American politics facilitates the carry-over of identification with a party to a greater extent than it permits reaffirmation of personal allegiances or crystallization of ideology.

However, it is less than clear that Party Identification will, through time, be able to sustain the loyalty and maintain the support of the minority party members for their party, given the relative absence of reinforcement from the other motivations which we have studied. It is quite possible that Party Identification is only somewhat more resistant to environmental influences than are the other partisan motivations. Examination of the respondents' recall of changes in Party identification indicated that in 1952 one out of five persons had a sense of identification, or of independence, which differed from a prior partisan identification which they remembered. The reported changes constituted a net loss for the Democratic party of some six per cent of the electorate, distributed uniformly in all four categories of counties. However, when these changes were computed as a proportion of the total number of persons who were currently identified with a given party *or* who had at some earlier time been identified with that party, the findings paralleled those involving 1948-1952 changes in voting behavior. The Republican losses were not related to party dominance; the Democratic losses were apparently quite clearly related. Some 35 per cent of one-time Democratic identifiers in extreme Republican counties now, in 1952, called themselves Independents or Republicans; the Democratic losses in heavily Democratic counties were only slightly over 20 per cent.

On the other hand, an investigation of changes in identification among the *voters* of 1952, disclosed a very different situation. To maximize reliability, the data for both Democratic and Republican voters were combined, and the voters were categorized on a majority-minority dichotomy (instead of on four degrees of difference in partisan dominance). Among minority voters there were 75 persons whose identification had changed in favor of the party they sup-

ported at the polls, compared with only 28 persons who were now less closely identified with their voting party than they had been, a ratio of 2.7 to 1. Among majority voters, the ratio was 84 to 44 or 1.9 to 1. This provided some small evidence, that, contrary to the above indications, more change in Party Identification may take place in defiance of the community environment than takes place in accord with that environment.

Pending further study of Party Identification, it may be profitable to explore other theories of political behavior which may be applied to our present problem. One such possible explanation of the data we have examined would seem to be provided by a theory of persistence of one-party dominance advanced by Berelson, Lazarsfeld, and McPhee in their analysis of voting behavior in Elmira, New York. The authors of *Voting* suggest that:

"the stability of a [political] preference . . . varies with the chances of social support for it. And the chances of social support for given political choices, in turn, vary with the distribution of such preferences in the particular segment of the community. Within a given group, then, the political majority holds the informal social pressures to stay a majority. . . . The circumstances that produce an unequal distribution of political preferences within a group also produce an unintended means of maintaining the inequality—namely, unequal chances for social support of unpopular views in the group. . . . An example illustrates the arithmetic of this result. Take a group of 100 people with 80 holding a preference and 20 not holding it. Suppose the subsequent rates of change were exactly proportionate to the chances of each type being matched in social discussion with a randomly chosen friend holding the opposite view. Then the majority would lose at only one-fourth the rate of the minority, say, 10 per cent versus 40 per cent defection from each. This would seem discouraging to individual proponents of the unpopular view and satisfying to the stable popular majority, but, in fact, each would have exchanged the same *number* (i.e., 8 adherents) with the other. Thus they would remain the *same* in size."<sup>21</sup>

The relevance of this statement to our present problem is quite clear. Unfortunately, the statement reflects the single community context of its origin in that it does posit an absence of change in the aggregate division of strength between major and minor parties within a community. Election statistics demonstrate, of course, that change does occur within many communities in each election, and the present analysis has been forced to deal with the nationwide sum of these changes which took place between 1948 and 1952.<sup>22</sup> However, the *Voting* statement is directed at analyzing the unequal division of strength with which we are confronted and it is specifically concerned with the fate of minority party voters in one-party communities. Furthermore, this theory might be thought to hold great promise precisely because it does add to our construction a new, non-motivational concept of the process of social (or political) change. There are, however, major obstacles to be overcome once the attempted application of the theory to our data is undertaken. In the first place, if the assumed randomness of person-to-person interaction is granted (although the Elmira data repeatedly demonstrate that interaction in matters

<sup>21</sup> B. Berelson, P. F. Lazarsfeld, and W. N. McPhee, *Voting* (Chicago, 1954), p. 126 and note 2, pp. 126-27.

<sup>22</sup> The authors of *Voting* were, of course, aware that external events do alter the equilibrium which they posit in their analysis.

political is anything but random), the theory of major party-minor party exchange of personnel apparently rests on an assumed randomness of the *results* of interaction. In the hypothetical example given, 16 "interactions" are said to produce eight defections from major to minor party and eight defections from minor to major. Unfortunately for our present purposes, however, this seems to assume, in turn, that major and minor party members possess equal degrees of partisanship, whereas our problem exists precisely because minority partisanship apparently does not equal majority party partisanship. It would not seem reasonable to expect an even 8-8 division if the major party adherents were strongly partisan and the minor party adherents only mildly convinced of their own partisanship. Rather, the results of interaction between major and minor party adherents would seem to be a function of the strength of partisanship as well as of the opportunity for interaction. This would seem to be particularly true in the situation in question. Our differences in intensity of partisanship are to be found in precisely those areas which presumably form the basis for political interaction and discussion, namely, considerations of governmental policy and the personal characteristics of the candidates.

One difficulty with using some of our data to amend the *Voting* theory lies, of course, in the fact that the combined results of change proportionate to opportunity for interaction and change proportionate to strength of partisanship may not produce the stable, unchanging aggregate majority-minority division of the vote which the theory was originally intended to explain. Any majority-minority differential in strength of partisanship might be expected to produce an erosion in the numerical strength of the party with weaker partisans. Inasmuch as we have observed that minority party voters do tend to be weaker partisans than do majority party adherents, we might now expect their number to diminish rather steadily. As we have noted, however, the data of the SRC study did not support the hypothesis that such erosion was in progress in the Fall of 1952.

This line of reasoning is closely related to a second major implication of the one-party dominance thesis as originally presented in *Voting*. It would seem to follow from the example reproduced from *Voting* that the minor party groups would, over a relatively short period of time, come to be composed largely of former major party members.<sup>23</sup> The implication of the *Voting* theory would seem to be, for example, that Democratic voters in the extreme Democratic counties should count a smaller proportion of former Republicans in their midst (as 80 Democrats become 72 Democrats and eight Republicans after one exchange of personnel) than would Democratic voters in extreme Republican counties (when 20 Democrats become 12 Democrats and eight Republicans). Data on voters' reported party regularity in previous elections gave no support

<sup>23</sup> Even if it were assumed that all inter-party exchange was provided by the same relatively small group of changers who circulate, election-to-election, from one party to the other, still we should find at any one point in time that minor party members were relatively more heterogeneous in terms of previous political affiliation and experience, than their counterparts who were fortunate enough to reside in predominantly friendly territory.

to the expectation that there would be such dilution or disproportionate heterogeneity on the part of minority party adherents in our sample of the national population.

It is, however, quite possible that the rates of exchange and the rapidity with which new party members shed all evidence of past allegiance proceed much faster than we have anticipated. (The numerous assumptions which have been made about the rate of change and the accompanying characteristics of change should serve to point up the pressing need for continued research in this area of politics.) It is consequently possible that the suggestions advanced by Berelson and his associates can be sustained as the basis for a theory of one-party politics if some notion of non-random, aggregate change is accepted.

In the meantime, however, prudence calls for at least a minimal respect for the accretions of relevant data. Giving such data the benefit of the doubt in this instance, we may summarize the attempt to apply the *Voting* theory of persistent one-party dominance as follows: the assumed randomness of interaction must be rejected (on the basis of data presented in *Voting* as well as data to be found in the SRC study) and the assumed randomness of the results of interaction should be rejected (on the basis of the observed differential in majority-minority partisanship). Moreover, our attempts to tamper with the *Voting* theory produced theoretical implications which, in turn, were also denied by the data.

Finally, it should be noted that a return to tentative acceptance of the notion that Party Identification plays a crucial role in sustaining minority voters carries with it some important implications for the other bits of theory which have been discussed. In the first place, a serious question is raised about an original assumption of this analysis. The assumption was that the qualitative differences distinguishing the motivational factors from each other could be ignored in the study of one-party politics, in favor of emphasizing the strong commonality of their relationship to political behavior. This assumption was proved incorrect early in the analysis and subsequent attempts to reintroduce it in terms of a probability theory of the role of motivations also met with defeat. Instead it is clear that, for many purposes, the interaction of motivational factors must be analyzed in such a fashion as to allow for wide variations in the essential meanings which can be attached to the different combinations of the factors.<sup>24</sup>

A second and closely related implication of our examination of one alternative hypothesis which might reconcile our data may be stated as the observation that probability theories applied to the nature and results of face-to-face interaction in the political process must be greatly modified if they are to overcome the obstacles discovered in this investigation. If the data of our analysis are at all typical of the data relevant to this aspect of politics, it would seem that they

<sup>24</sup> It might be noted in passing that serious attention could not be given this admonition in the current analysis because of the restricted size of the sample. Early efforts to analyze the various *patterns* of motivation which might be associated with varying states of one-party dominance were abandoned when it became obvious that the number of cases in crucial cells too frequently diminished beyond the point of no return.

demand such substantial modifications of the specific probability theory advanced in *Voting* as to minimize appreciably the value of that theory. It should be noted, however, that a major part of the problem may well be related to the attempt to utilize a theory of face-to-face, personal interaction to explain data pertaining to national phenomena and secondary group identification.

A third implication of the theorizing about Party Identification relates to the need for a further understanding of the nature and role of group identification in general and of Party Identification in particular. If we are correct in concluding that an identification with a secondary group has, under certain conditions, more meaning for the individual than have many more immediate, proximate pressures, it behooves us to give increased attention to delineating the nature of the historical and political conditions under which this is true.

#### SUMMARY

One-party dominance of politics militates against the effectiveness of minor party motivations in producing minor party votes and increases the effectiveness of major party motivations in producing voting support for the major party. This may result in facilitating majority party campaign accomplishments and in limiting the effectiveness of minority campaigning. It may also bear responsibility for sustaining one-party political systems and working against eventual equalization of party competition at the level of local political units.

One-party dominance of politics is associated with divisiveness, lack of unity, and a significantly high degree of heterogeneity among rank and file minor party voters with respect to felt partisanship for candidates and issues.

The incidence of Party Identification does not vary with changes in political environment, at least insofar as minority voters are concerned. It appears to be the one factor of those examined which sustains the minor party vote, independent of the partisan complexion of the local political environment. Any diminution of the role of Party Identification in voting behavior might well result in a lack of unity and cohesiveness among minority voters which could, in turn, lead to a persistent erosion of minority party strength. Were this to occur, it could be expected that the already high degree of single-party dominance of American politics would be accentuated to a perhaps dangerous extent.

# VERBAL SHIFTS IN THE AMERICAN PRESIDENCY: A CONTENT ANALYSIS

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## I. PROBLEM AND HYPOTHESIS

The resurgence of conservatism may be described as the most significant post-war development in American thought. "No intellectual phenomenon has been more surprising in recent years," Arthur Schlesinger, Jr., concedes, "than the revival in the United States of conservatism as a respectable social philosophy."<sup>1</sup> No longer can one lament, as Alpheus T. Mason did in 1948, that "conservatism, once more than respectable political theology (especially among the educated), now carries overtones of reaction well nigh as discrediting as the rabidities attributed to communism."<sup>2</sup> Intellectual spokesmen are now, on the contrary, making a concerted effort to revisit and revitalize the conservative point of view.<sup>3</sup>

Although most of this "egg head" element in the conservative camp may be, and has been,<sup>4</sup> dismissed as expressing an anachronistic yearning for the anti-commercial traditions evolved in British feudalism, the business leaders whom they neglect have themselves been revising and actively selling a conservatism that appears to be more closely related to the realities of the American social situation. Russell Davenport and the editors of *Fortune* have turned to business rather than to a nonexistent American aristocracy for leadership in meeting the mass demands for economic security.<sup>5</sup> Contemporary business spokesmen may be no more enthusiastic than their predecessors in the 1920's about the "Welfare State," but their opposition seems more clearly focused on the state as the agent for its realization than on the goal of mass welfare and security as such. That these business spokesmen, unlike the academic "New Conservatives," have a real role in the Eisenhower administration is plain.<sup>6</sup>

<sup>1</sup> "The New Conservatism: Politics of Nostalgia," *The Reporter*, Vol. 12, p. 9 (June 16, 1955).

<sup>2</sup> *The Democratic Process: Lectures on the American Liberal Tradition* (New London, 1948), p. 32.

<sup>3</sup> See e.g., Francis Wilson, *Case for Conservatism* (Seattle, 1951); Russell Kirk, *The Conservative Mind: From Burke to Santayana* (Chicago, 1953); Clinton Rossiter, *Conservatism in America* (New York, 1955); and Peter Viereck, *Conservatism Revisited: The Revolt Against Revolt* (New York, 1949). The current appeal of conservatism among academicians is perhaps best attested by the fact that critics of the "New Conservatives" now argue, not against the defects of their conservatism, but that they are really liberals without knowing it. See Bernard Crick, "The Strange Quest for an American Conservatism," *The Review of Politics*, Vol. 17, pp. 359-76 (July, 1955).

<sup>4</sup> See Schlesinger, *op. cit.* The most conspicuous exception to this charge is Professor Rossiter, who holds that "the full conservative tradition, a graft on feudalism, simply will not flourish on this soil." "Toward an American Conservatism," *Yale Review*, Vol. XLIV, p. 357 (Spring 1955).

<sup>5</sup> U.S.A., *The Permanent Revolution* (New York, 1951). And see Clarence B. Randall, *A Creed for Free Enterprise* (Boston, 1952).

<sup>6</sup> A. A. Berle, Jr., "Businessmen in Government: the New Administration," *The Reporter*, Vol. 8, pp. 8-12 (February 2, 1953).

It is not surprising, then, that the old individualistic dogmas seem to be in similar process of modification in the hands of the political leadership of American conservatism. President Eisenhower's incomplete search, despite the assistance of some of the country's most efficient advertising men, for an appropriate slogan to describe his public philosophy—with "progressive moderation" being replaced by the equally equivocal "dynamic conservatism"—reflects at least an uneasiness about the appeal of Hoover-style Republicanism. The apparent contrast between this emerging point of view and that of pre-New Deal conservative spokesmen<sup>7</sup> suggests the importance of systematic analyses of shifts in conservative thought as a problem for students of American political theory. Specifically, it suggests the hypothesis which this article will attempt to examine. The New Deal, it is submitted, involved the addition of a permanent increment to the main body of the American tradition, establishing beyond effective challenge the concept of government responsibility for alleviating mass economic distress, on the assumption that such distress stems from impersonal forces beyond the control of the individual rather than from personal deficiencies. On the basis of this fundamental assumption, it is hypothesized that *one evidence of such a change will be found in the failure of politically successful spokesmen for the conservative point of view to reject the basic political appeals of the New Deal*. It is further hypothesized that *the apparent reluctance with which this shift was made, under pressure of the general acceptance of New Deal appeals, will be reflected in a retention of many symbols of pre-New Deal style*.

This two-fold hypothesis could be tested in a variety of ways, one promising possibility being the examination of changing voting behavior in Congress. Another appropriate method, and that which will be followed in this study, is the analysis of important policy pronouncements from the supreme headquarters of American politics—the office of the president. Although the vote is clearly a more crucial indicator of political attitudes than purely verbal behavior, the difficulty of aligning congressmen into conservative and liberal groups, the unquestioned pre-eminence of the president as party leader, and the great weight attached to his considered promises and recommendations on policy all appear to support this as an appropriate approach to the hypothesis presented.

## II. METHOD

The method of content analysis for this problem is chosen in the hope that the hypothesis is formulated with sufficient precision to permit the application of quantitative methods to a field of political science that has been perhaps the least responsive to refinements in methodology. The materials selected for analysis are the first acceptance speeches, inaugural addresses, and state of the union messages of presidents Hoover, Roosevelt, Truman, and Eisenhower. Roosevelt and Truman were chosen because of their association with the New Deal, Hoover and Eisenhower because of their leadership of the conservative

<sup>7</sup> See the author's *The Dollar Decade: Business Ideas in the 1920's* (Baton Rouge, 1954), especially pp. 209–21.



party in the immediate pre- and post-New Deal periods. In keeping with the hypothesis, the political appeals and symbols of the two Democrats should differ (in the same direction) from those of Hoover, whereas Eisenhower should endorse or at least fail to reject the New Deal appeals while offering symbols more like Hoover's.

The addresses picked to reflect the policy orientations of the presidents may be more easily explained in terms of their importance and comparability than their number. Each appears to represent the most important statement involving a particular type of appeal, the acceptance address oriented to the party, the inaugural to the general public, and the State of the Union Message to the congress. In addition to the time-consuming nature of content analysis, two factors explain the decision not to add more speeches. First, it would be impossible to make additions without destroying the balance among the three types of audience orientation: two more campaign and state of the union messages could have been added but at the cost of under-representing the type of general appeal to the nation found only in the inaugural. Although three speeches from each president seem at first glance too few for this argument to hold, it will be seen, in the second place, that the nature of the units of analysis is such as to offer a universe of considerable magnitude without going beyond these singularly important sources.

The first category chosen for the analysis, of the "what is said" or substance type,<sup>8</sup> is the *political appeal*, which is utilized to classify the subject matter of the different political arguments, proofs, or themes offered by the presidents. For this category the thematic paragraph is the recording unit—"the smallest body of content in which the appearance of a reference is counted"—and the paragraph is the context unit—"the largest body of content that may be examined in characterizing a recording unit."<sup>9</sup>

A second category is the *demand symbol*, which is considered in terms of its direction as well as its substance; for this category the single word or term is the recording unit and the paragraph the context unit. Adopting Harold Lasswell's definition, demand symbols are taken to be the "meaning events" in a medium of communication which "refer to objects of preference or determination, or are utilized in expressing preference or determination."<sup>10</sup> The meaning events thus excluded are *identification* symbols, which are here defined as neutral references to persons or groups, e.g., "we Americans," or "Russia," and *acceptance* symbols, which "are objects of reference in acceptance statements, or are utilized in making the reference," i.e., those which reflect "matter-of-fact assumptions about the shape of events in the past, present, and future."<sup>11</sup>

<sup>8</sup> For the types of categories employed, and on content analysis in general, see Bernard Berelson, *Content Analysis in Communication Research* (Glencoe, Illinois, 1952).

<sup>9</sup> Harold D. Lasswell, *Analyzing the Content of Mass Communication: A Brief Introduction* (Washington, 1942), p. 16.

<sup>10</sup> "Describing the Contents of Communications," in *Propaganda, Communications, and Public Opinion: A Comprehensive Reference Guide*, ed. Bruce L. Smith, Harold D. Lasswell, and Ralph D. Casey (Princeton, 1946), p. 85.

<sup>11</sup> *Ibid.*, pp. 85, 82.

Operating with these definitions, the same word or expression may, of course, be counted differently in different contexts. As Lasswell puts it, "... when 'national unity' or 'social security' are objects of preference or determination, they count as demand symbols; when only acceptance statements are made about them, they are acceptance symbols."<sup>12</sup> Demand symbols alone are considered in this study because the hypothesis focuses attention on attitudes rather than cognition.

Although analysis in terms of these two categories should suffice for the examination of the hypothesis, a third category has been added to help account for the influence of changes in world conditions on the political appeals and symbols employed. This is a simple category for the classification of subject matter in terms of its international or domestic orientation; the paragraph serves as both the recording and context unit.

The procedures followed will be more completely reported in the presentation of the findings, but the question of validity and the procedures for testing reliability should be noted here as a final methodological problem. The demand symbols and international-domestic subject matter categories appear to offer little difficulty on the score of validity. They present the simple problem of counting the occurrence of symbols (and their synonyms) and of paragraphs devoted to international or domestic subject matter. In such cases, "there is no doubt about the validity of the analysis," according to Bernard Berelson. "The instrument measures what it is intended to measure. . . . In other words, in cases in which there is high agreement on the definitions of the relevant categories, there is little difficulty in achieving validity in content analysis."<sup>13</sup> In the identification of political appeals, however, the clarity of the basic definitions may not be so great and the problem of validity less easily dismissed. Although the attempt will be made to define the political appeals precisely, the validity of this category evidently depends on the clarity of these definitions.

For the problem of reliability, generally recognized checks are available. Two kinds of consistency are held necessary to establish the reliability of analysis of communication content: "1) consistency among analysts—that is, different coders should produce the same results when they apply the same set of categories to the same content; and 2) consistency through time—that is, a single coder or a group of coders should produce the same results when they apply the same set of categories to the same content but at different times."<sup>14</sup> In practice, such checks are reported in only one out of every five or six studies and most of these have been applied to relatively simple types of content analysis. "The reliability of a list of symbols," Berelson submits, "may be high, but the reliability of a complex . . . analysis is another matter."<sup>15</sup>

With this caveat in mind, the author repeated his coding of political appeals after an interval of several months, and induced a colleague to apply this same

<sup>12</sup> *Ibid.*, p. 85.

<sup>13</sup> Berelson, *op. cit.*, p. 167.

<sup>14</sup> *Ibid.*, p. 172.

<sup>15</sup> *Ibid.*, p. 173.

indicators used in coding these categories need definition here. Most of the fourteen categories in the table are, it is hoped, virtually self-explanatory; they are used here with the following meanings:

*Government Aid*: appeals to the wisdom or necessity of government intervention in the economy designed to promote the interests of special or general groups.

*Economy, Efficiency*: arguments in favor of reducing government expenses or increasing government efficiency by such devices as administrative reorganization.

*Bright Realities*: references to conditions regarded as highly desirable and gratifying to Americans in general, e.g., a high general level of prosperity, mass satisfaction with the contemporary state of affairs.

*Peace*: communications stressing the importance of achieving or sustaining a condition of peace among nations; included in this category are arguments in favor of such means to peace as United States leadership in world affairs and mechanisms of international co-operation.

*Law Enforcement*: appeals to the public to respect the law and promises to lead in its enforcement with impartiality and vigor.

*Community Cooperation*: praise of existing cooperation both within private groups and between such groups and the government and assurances of its encouragement as a device of "self-government" free from "governmental restraints."

*Government Regulation*: arguments stressing the wisdom or necessity of government intervention in the economy designed to regulate the behavior of special groups in the general interest.

*Progress*: references to progress as a viable ideal, as evidenced either by improvements in process of being made or foreseeable in the future.

*Class*: appeals to differences of interest between different classes, specifically between "ordinary citizens" and the "privileged few."

*Economic Unity*: the contention that domestic groups are economically interdependent to such an extent that no one group can prosper alone.

*Social Optimism*: the theme that man's difficulties result not from his own deficiencies but from impersonal forces that he is competent to alter.

*Dark Realities*: references to conditions regarded as highly undesirable and as deprivations by Americans in general, e.g., threats of military aggression.

*Party*: praise of one's own political party or condemnation of the opposing party.

*National Power*: arguments stressing the importance of maximizing the military and economic strength of the United States.

These same categories were applied to the same materials at a later date, and chi square values were computed as a measure of reliability. Examination of Table I for the differences in the incidence of thematic paragraphs with the six leading political appeals of the four presidents in the first and second codings

TABLE II. INCIDENCE OF SIX POLITICAL APPEALS OF PRESIDENT ROOSEVELT  
AS RECORDED BY TWO CODERS OF THE SAME MATERIALS

Political Appeal	First Coder	Second Coder
Government Aid	19	21
Government Regulation	18	16
Progress	18	16
Class	7	7
Economic Unity	5	5
Social Optimism	5	9

TABLE III. LEADING DEMAND SYMBOLS OF FOUR PRESIDENTS AND THEIR  
INCIDENCE IN THREE MAJOR ADDRESSES\*

President	Symbols	Frequency
Hoover	Law	35
	Peace	28
	Opportunity	23
	Progress	21
	Fundamental Principles	19
	Cooperation	16
	Tariff	16
	Prosperity	15
	- Crime	14
	Freedom	10
Roosevelt	Employment	22
	Action	15
	- Profit	12
	- Surpluses	12
	Economic Security	10
	- Money Changers	9
	Progress	9
	Candor	8
	- Traditions	8
	Planning	7
Truman	Peace	21
	Freedom	19
	Prosperity	17
	Equality	13
	- Privileged Few	12
	Economic Security	11
	Ordinary People	11
	Democracy	9
	- Republican Party	9
	- Communism	8
Eisenhower	Freedom	41
	Power	25
	Faith	21
	Peace	16
	National Security	14
	- Controls	11
	God	11
	Initiative	11
	Productivity	11
	- Aggression	10

\* Negative symbols are designated by a minus sign preceding the symbol; all other symbols are positive.

reveals a relatively high degree of reliability in each case. Some confidence that the differences are not derived from consistent errors on the part of the author appears warranted, moreover, by the results reported in Table II. The errors of the second coder<sup>17</sup> tend to be of no greater magnitude than those of the author. The chi square value in this case is 1.4, the same as that obtained from the author's codings of the Roosevelt materials.

The coding of demand symbols, with the single word or term as the recording unit, was from a universe of 49,755 words, with a total of 1,541 symbols.<sup>18</sup> In the interest of focusing on major emphases, the ten symbols appearing most frequently in the materials from each president have been selected. These symbols and their incidence are reported in Table III.

The second coding of demand symbols, applied only to the Roosevelt and Eisenhower materials, manifests the high level of reliability that is expected for such a clear-cut category. The chi square values computed from it are, for the Roosevelt content, 0.1, and for the Eisenhower content, 0.9. The probability that values this large would occur from chance variation alone is greater than .99 in both cases.

The international-domestic subject matter findings summarized in Table IV

TABLE IV. INTERNATIONAL-DOMESTIC SUBJECT MATTER BY PARAGRAPH INCIDENCE  
IN THREE MAJOR ADDRESSES OF FOUR PRESIDENTS

Subject Matter	Hoover		Roosevelt		Truman		Eisenhower	
	No.	%	No.	%	No.	%	No.	%
International	31	13	5	4	78	35	85	37
Domestic	182	76	109	89	127	56	108	47
Unclassifiable	25	11	8	7	19	9	37	16
Total	238	100	122	100	224	100	230	100

<sup>17</sup> The author is indebted to Penrose B. Jackson for his willingness to serve as second coder.

<sup>18</sup>

DEMAND SYMBOLS DATA FROM PRESIDENTIAL ADDRESSES

President	Total No. of Words	Total No. of Symbols	Percent of Symbolism*	Incidence of Ten Lead- ing Symbols	Degree of Concentra- tion of Symbols**
Hoover	22,581	540	2.4%	197	36%
Roosevelt	8,499	281	3.3%	112	40%
Truman	8,226	382	4.6%	130	34%
Eisenhower	10,449	338	3.2%	171	51%
Total or Mean	49,755	1,541	3.4%	610	40%

\* This figure is obtained by dividing column 2 by column 1.

\*\* This figure is obtained by dividing column 4 by column 2.

are recorded on the same paragraph basis that was employed in the political appeals category.

#### IV. ANALYSIS AND CONCLUSIONS

Analysis of the findings on political appeals shows that the peculiar themes of the New Deal—the only two not characteristic of Hoover but common to Roosevelt and Truman—were arguments stressing the necessity of government regulation and the existence of class distinctions. Roosevelt's appeals to progress, economic unity, and social optimism dropped from prominence in the Truman content with the substitution of an international military crisis for the former domestic economic crisis. The reflection of this situational change is found not only in the tremendous increase in the amount of attention devoted to international problems, but also in the emergence of peace as the leading appeal of Truman.

The crucial problem for the first part of our hypothesis—that acceptance of the New Deal will be evinced by the failure of conservative political leadership to reject its basic political appeals—is the relationship of Eisenhower's appeals to those of Roosevelt and Truman. Neither government regulation nor class appears as a leading Eisenhower appeal. Indeed, the only themes not stressed by Hoover which Eisenhower has in common with a New Deal president are two appeals that he shares with Truman, dark realities and party. The focus on international problems in both cases as the dark realities and the fact that party appeals are not identified with the New Deal eliminate these similarities as supports for the hypothesis.

If the second part of the hypothesis be valid, however—that conservative acceptance of the New Deal is occurring only reluctantly, with a retention of earlier styles of symbols—frequent positive emphasis of New Deal appeals is hardly to be expected from Eisenhower. And there is one important difference between the appeals of Hoover and Eisenhower relevant to New Deal influences. Hoover's appeal to community cooperation, which strongly emphasizes the non-regulatory role of government, disappears from the arguments of Eisenhower no less than from those of Roosevelt and Truman. The fact that positive rejection of this central feature of the New Deal was a leading pre-Roosevelt conservative appeal but disappears from the prominent themes of Eisenhower lends some support to the hypothesis. That Eisenhower failed to repudiate the New Deal appeals, especially when they had been embodied in law, would by itself be only a weak support for the hypothesis. But when this is coupled with Hoover's recurrent attacks on such arguments, it does appear to confirm the postulate that the basic tenets of the New Deal can no longer be frontally attacked by the top conservative political leadership.

The quality of the change represented by this quantitatively established difference may be given greater meaning by a pair of quotations. "The larger purpose of our economic thought should be to establish more firmly stability and security of business and employment and thereby remove poverty still further from our borders," Hoover submits. "Our people have in recent years

developed a new-found capacity for cooperation among themselves to effect high purposes in public welfare. It is an advance toward the highest conception of self-government. Self-government does not and should not imply the use of political agencies alone. Progress is born of cooperation in the community—not from governmental restraints."<sup>19</sup> Eisenhower's route to the same end sounds somewhat different: "This administration is profoundly aware of two great needs born of our living in a complex industrial economy. First, the individual citizen must have safeguards against personal disaster inflicted by forces beyond his control; second, the welfare of the people demands effective and economical performance by the Government of certain indispensable social services."<sup>20</sup> This "profound awareness" on the part of a Republican president of great needs demanding government intervention may, in terms of this analysis, be regarded as a progeny of the New Deal.

Whatever the basis of analysis, the findings on demand symbols serve to align the presidents into two contrasting pairs—the symbols of Roosevelt and Truman being clearly differentiated in every examination from those of Hoover and Eisenhower.<sup>21</sup> This is, of course, exactly in keeping with what one would expect from the hypothesis.

Considering first the relative emphasis on negative as opposed to positive symbols, one finds the presidents ranked in descending order of "negative symbolism" as follows: Roosevelt, Truman, Eisenhower, Hoover. Four of Roosevelt's leading ten symbols (profit, surpluses, money changers, and traditions) and three of Truman's (privileged few, Republican Party, and Communism) are negative, as compared with two for Eisenhower (controls and aggression) and one for Hoover (crime). The more frequently critical attitude of the New Deal presidents appears to be a function of their liberalism; the more nearly exclusive use of positive symbols by Hoover and Eisenhower logically appears, contrariwise, to be a product of their conservatism. This interpretation is, of course, an inference rather suggested than demanded by the content. What has been demonstrated is covariation between party identification and direction of symbolism, and this supports the hypothesis.

When classed in terms of generality versus specificity, the demand symbols of Hoover and Eisenhower are again differentiated from those of Roosevelt and Truman. Nine of the ten leading symbols of both Hoover and Eisenhower are highly generalized (the respective exceptions being tariff and a negative symbol, controls), but this is true of only three of Roosevelt's (progress, candor, and a negative symbol, traditions) and five of Truman's (peace, freedom,

<sup>19</sup> "Inaugural Address," in *Inaugural Addresses of the Presidents of the United States: From George Washington 1789 to Harry S. Truman 1949*, House Document No. 540, 82nd Cong., 2nd sess., pp. 215-24.

<sup>20</sup> "The State of the Union—Address by the President of the United States," *Congressional Record*, Vol. 99, pp. 748-53 (February 2, 1953).

<sup>21</sup> Two themes specially stressed by Hoover, cooperation and law enforcement, may be partly attributed to factors only tangential to a liberal-conservative alignment: his Quaker background and his concern for prohibition enforcement.

prosperity, democracy, and a negative symbol, Communism). The symbolism of both Republican presidents, we conclude; characteristically manifests a much higher level of generality than that of the two Democrats.

Examination in terms of status quo versus reformist orientation shows similarly striking results. Eight of Roosevelt's leading symbols (employment, action, economic security, planning, and four negative symbols, profit, surpluses, money changers, traditions) and five of Truman's (equality, ordinary people, economic security, and two negative symbols, privileged few and Republican Party) carry reformist connotations. This can be said of none of those emphasized by Hoover or Eisenhower. Equally extreme is the contrast found in the fact that none of the leading symbols of Roosevelt or Truman carry implications of dedication to the status quo, as compared with five for Hoover (law, fundamental principles, opportunity, cooperation, and tariff) and four for Eisenhower (faith, initiative, productivity, and a negative symbol, controls). Again the presidents place themselves squarely in opposed camps in terms of a New Deal-conservative dichotomy.

The generality-specificity and the status quo-reformist classifications might be subsumed under a more general distinction labelled middle class versus working class symbolism. So combined, they leave Hoover and Eisenhower with ten middle class symbols each, and Roosevelt and Truman with two and five, respectively.<sup>22</sup> Other bases of classification might well be devised to order the data on symbols, but the consistency of the results already presented suggests, that, whatever the basis of analysis, Hoover and Eisenhower will be found together in a classification opposed to that of Roosevelt and Truman.

It may be noted that in every case, within their common classifications, Roosevelt occupies a more extreme position than Truman and, in the other direction, Hoover a more extreme position than Eisenhower, whenever the two are not identical. One might conclude from this, first, that increasing international responsibilities and general acceptance of the New Deal have decreased the frequency of New Deal-style symbols and, second, that Eisenhower is not so extremely different from the Democratic presidents in symbol style as Hoover. This is submitted as a tentative hypothesis for further investigation.

On the basis of the analysis of both the political appeal and the demand symbol categories, we conclude that both facets of the hypothesis have been validated. As judged by analysis of the leading policy pronouncements of Hoover, Roosevelt, Truman, and Eisenhower immediately before, during, and after their assumption of office, it may be held: (1) that the chief post-New Deal political spokesman for the conservative point of view, in contrast to his pre-New Deal counterpart, failed to reject the basic political appeals of the New Deal; and (2) that the reluctance with which this shift was made is reflected in a retention of symbols of pre-New Deal style. It is hardly necessary to add that this conclusion, like the data from which it emerges, is strictly limited to verbal behavior on the part of conservative leadership. The fact that the essential fea-

<sup>22</sup> The middle class symbols for Roosevelt are progress and candor, for Truman peace, freedom, prosperity, democracy, and a negative symbol, Communism.



tures of the New Deal can no longer be frontally assaulted by a Republican president does not preclude the possibility of such flank attacks as budgetary reductions for New Deal agencies or the vesting of administrative responsibility for New Deal functions in opponents of the programs.

Going beyond the limited data of this study, it may be added that this verbal reformation of conservative political leadership appears highly similar to the post-Jacksonian change in conservative pronouncements that Arthur Schlesinger, Jr., describes as "The Whig Counterreformation."<sup>23</sup> Frank rejections of such Jacksonian dogmas as the right of every adult white male to vote disappeared once these people were granted the suffrage, just as Hoover's frequent denunciation of government regulation in the mass interest has disappeared from prominence in Eisenhower's verbalization. Moving even farther from our data, it may be asked if the fate of the Jacksonian symbols may hold a portent for the future. Robert McCloskey has ably explained the fashion in which these slogans were drained of their original implications and imbued with conservative connotations.<sup>24</sup> Should the parallel be maintained, one may speculate that there will eventually be a conservative adoption of New Deal symbols accompanied by a transformation of their meaning.

This possibility is given a certain immediacy by Clinton Rossiter's recent exhortation to conservatives that they "... should give us a definition of liberty that is positive and all-embracing, not negative and narrow. In the new conservative dictionary, *liberty* will be defined with the help of words like *opportunity*, *creativity*, *productivity*, and *security*."<sup>25</sup> If such New Deal symbols as "security" become the property of conservatives in their attempt to adjust to the loss of appeal of Hoover-style symbols, will the "new conservative dictionary" still give them their New Deal meanings? One might assume that the new usage of security would suggest the type of "Welfare Capitalism" urged by *Fortune* magazine<sup>26</sup> rather than the "Welfare State." If the academic "New Conservative" can make himself heard in political circles, it may be possible to reformulate these conjectures as testable hypotheses in the relatively near future. It is probably not an accident that some Republicans have taken to describing their views as "Jeffersonian."

#### V. CONCLUDING NOTE ON METHODOLOGY

Although the possibilities and limitations of content analysis have long been familiar in the social sciences, its novelty in normative political theory, the one field of political science where it is perhaps most appropriate, warrants appending a methodological note to the substantive conclusions and speculations presented above. In the first place, Bernard Berelson's insistence on the crucial character of the categories in content analysis may be underlined: "Content analysis stands or falls by its categories," he warns. "Particular studies

<sup>23</sup> *The Age of Jackson* (Boston, 1947), pp. 267-82.

<sup>24</sup> *American Conservatism in the Age of Enterprise* (Cambridge, Mass., 1951).

<sup>25</sup> "Toward an American Conservatism," *loc. cit.*, p. 361. Emphasis his.

<sup>26</sup> See Davenport, *op. cit.*

have been productive to the extent that the categories were clearly formulated and well adapted to the problem and to the content. . . . Although competent performance in other parts of the analytic process is also necessary, the formulation and the definition of appropriate categories take on central importance. Since the categories contain the substance of the investigation, a content analysis can be no better than its system of categories."<sup>27</sup> Had either demand symbols or political appeals been used alone in this study, an incorrect or incomplete conclusion would necessarily have emerged. Analysis of demand symbols by themselves would have incorrectly suggested that no verbal changes of significance had taken place; use of political appeals alone would have revealed the nature of the shift, but without detecting its incomplete or reluctant character.

Berelson's warning applies equally to definitions within a single broad category. At the outset, it was planned in this analysis to use "government intervention" as a category to comprise all thematic paragraphs arguing the necessity of an active government role in the economy. Had this category not been divided, there would have been no distinction between government aid and government regulation in the coding, which would have made it difficult not only to see any clear difference between Hoover and his New Deal successors but also to understand his non-interventionist theme of community cooperation. On the negative side, it is now clear that the government aid category should have been differentiated still further. The promotional measures recommended by Hoover were almost exclusively devoted to such general or business-oriented programs as river and highway development, waterpower projects, conservation, airline and shipping subsidies, business research services, and tariff increases. "The government," he frankly declared, "can be of invaluable aid in the promotion of business."<sup>28</sup> For Eisenhower no less than Roosevelt and Truman, these promotional themes tend to be replaced or overshadowed by appeals to promotion of the economic needs of the great majority. Without categories designed to reveal it, however, this important distinction can be presented only as an impression, not as a conclusion.

More generally, it may be said that the anticipated advantage of arriving at conclusions with a measure of confidence and some assurance of objectivity and reliability appears to have been realized. The hypothesis validated in this study might have been advanced and more engagingly argued as a pre-determined conclusion with the "proof" selected by the not-so-random method of searching for supporting data. In this case, however, the area of agreement could be expected to extend no further than to those who (on the basis of their own impressionistic observations) agree with the thesis or who are overwhelmed by the literary quality of the presentation. With such positive, if modest, advantages available, it is difficult to understand the intolerant spirit in which people classified as political scientists can reject the scientific method in toto, as in

<sup>27</sup> Berelson, *op. cit.*, p. 147.

<sup>28</sup> "Address of Acceptance," in *The New Day Campaign Speeches of Herbert Hoover, 1928* (Stanford University, 1928), pp. 9-44.

cavalier references to "the all too typical methodological perfections and political irrelevancies that crown the scientific study of politics."<sup>29</sup> As applied even to such a garden-variety scientific method as content analysis, such a comment is doubly inaccurate: content analysis could appear as "methodological perfection" only in contrast to the most primitive method; it has no more inherent tendency to issue in "political irrelevancies" than the impressionistic methods. The method of content analysis is certainly not appropriate for many basic problems of political theory, but for the limited sort of problem considered here it does seem to offer some possibility of the greater precision which makes for cumulative research efforts.

The data of this study are not in conformity, for example, with what one would expect from William Carleton's contention that there has been a post-New Deal "Triumph of the Moderates."<sup>30</sup> Since the evidence in support of his argument was submitted with no explanation of the rationale behind its collection, however, the contrasting conclusions are difficult to compare. In terms of the materials examined here, it would appear to be correct to speak of a triumph of the moderates only with the important qualification that there has been a general shift to the left. The "conservative" Eisenhower would have sounded "liberal" in 1932; at the highest level of leadership a verbal revolution has taken place in American conservatism.

<sup>29</sup> Bernard Crick, "The Strange Quest for an American Conservatism," *The Review of Politics*, Vol. 17, pp. 359-60 (July 1955). The gratuitous character of this remark, in an article re-labelling most of our professed "New Conservatives" as liberals, suggests the interesting possibility that methodological and political conservatism may be positively correlated. This condition might, indeed, be logically expected from persons at either extreme of the ideological spectrum since they would presumably be committed to politics as a vehicle for the realization of their values rather than as a subject for objective analysis. To argue that no political science is possible is a perfect rationalization for the pursuit of artistic polemics rather than scientific inquiry.

<sup>30</sup> William G. Carleton, "The Triumph of the Moderates," *Harper's*, Vol. 210, pp. 31-37 (April 1955).

## COMMENTARY ON PROTHRO'S CONTENT ANALYSIS

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James W. Prothro's hypothesis is that, while there has been a resurgence of "conservatism" in American political theory and practice, the actual intervention of the New Deal between the conservative government of Hoover and the conservative government of Eisenhower makes the complete rejection of New Deal appeals by a conservative administration difficult, if not impossible. There can be little quarrel with that thesis itself. Once given the assumptions that "conservatism" is an adequate frame of reference, that Hoover and Eisenhower may in some understandable way be classed as "conservatives," and that, since the administration did in fact reluctantly accept certain New Deal symbols, they were necessarily obliged to do so, there is some question as to whether the thesis is not obvious. Prothro, however, gives serious reasons for buttressing "impressions" with precision, and presents a careful content analysis which strengthens his argument and should serve to enhance our understanding of current political trends.

His presentation, however, raises at least three meaningful questions: whether "conservatism" is an adequate frame of reference for the discussion of political ideas, whether content analysis is a sound method for distinguishing political ideas, and whether, and under what conditions, it is useful to give scientific precision to "impressions." In exploring these questions I do not propose to pick a quarrel with Prothro. Differences will come out in the discussion, but the larger problems relate to the general study of political theory, and the exploration may at times take me far from the specific questions raised in Prothro's scholarly paper. I fully sympathize with the author's impatience with those who reject the scientific method on purely aesthetic grounds. By all means let us seek precision, as far as that can be had, on all levels of investigation.

### I.

The question whether "conservatism" is a suitable frame of reference for the study of what Prothro calls "normative political theory" takes us far beyond any single application of that frame. He himself says that the "resurgence of conservatism may be described as the most significant post-war development in American thought." (p. 726) Whether this is in fact so is not the same question as whether it is a suitable frame of reference, but the answer to the second question is clearly and radically affected by the answer to the first. Prothro himself, it seems to me, rests his case not simply on the "meaningfulness" of the content but also on the meaningfulness of the frame of reference. I, however, do not think that the "resurgence of conservatism" is "the most significant post-war development in American thought." I even suspect that, by definition, it cannot be. Prothro makes a distinction between the academic "New Conservatives," who may possibly "be dismissed" and the business leaders who seem to him to be "selling a conservatism" . . . "more closely related to the realities of the

American social situation." I do not think, however, that significance in political thought can be measured by the role a group of men play in a particular administration, particularly if we can accept the judgment of James Reston that this administration "is not one of originators and thinkers."<sup>1</sup> The significance of any body of thought cannot rest solely on the political position or the number of its adherents, particularly when measured over a very few years, but on whether or not they are right; or at least on the claim they make to inquire into the most important political questions. Since some at least of the proponents of the "New Conservatism" associate that with "aristocracy" and the "aristocratic spirit," the democratic standard of numbers could not, on their own terms, indicate their significance.<sup>2</sup> Indeed, Clinton Rossiter says that the most important "element in the Conservative mood is the aristocratic spirit" and adds that the Conservative "is moved almost to tears by *noblesse oblige*." If so, the interpretation of Samuel Lubell that the nation is "struggling to give effective voice and force to (its) conservatism"<sup>3</sup> is largely irrelevant. When a successful political movement in modern America is brought to power by a voting population that is moved almost to tears by *noblesse oblige*, we shall have radically to revise our analyses of voting behavior.

It is to those whom Prothro calls the academic "new Conservatives" that we must look for the significance of conservatism in post-war American thought and as a frame of reference. Obviously no thorough examination of neo-conservative arguments can be conducted here. It must suffice to say that some of those who made this contribution to American political thought have consciously and deliberately limited its philosophic significance, as they are, I believe, obliged to do. If, as Rossiter claims, the first part of the Conservative's mission is the defense of the established order, its defense must take precedence over its understanding.<sup>4</sup> Rossiter does not, I believe, mean that he would defend any established order regardless of its injustices. Generally Rossiter and other New Conservatives seem to restrict conservatism to a particular period of history (roughly since Burke) and to a particular framework of constitution (roughly liberal constitutional government).<sup>5</sup> But the very defense of just this order assumes a superiority which non-loyal, philosophical inquiry cannot assume. Neo-conservatism, I think, assumes a starting point where philosophical

<sup>1</sup> *New York Times*, August 3, 1956, p. 7.

<sup>2</sup> Russell Kirk, *The Conservative Mind* (Chicago, 1953); pp. 9-10, 54 ff.; Clinton Rossiter, *Conservatism in America* (New York, 1956), pp. 50-51, 166-68, and *passim*; Rossiter, "Toward an American Conservatism" in 44 *Yale Review* (Spring 1955), especially p. 362, in which the "bold conservative thinker" must try "describing the process through which plutocracy may become aristocracy." Rossiter understands that that is no easy task.

<sup>3</sup> *Conservatism in America*, p. 50; Lubell: *Revolt of the Moderates* (New York 1956), pp. 3-4.

<sup>4</sup> *Op. cit.* 52.

<sup>5</sup> Rossiter, *op. cit.*, pp. 10, 16; *Yale Review*, *loc. cit.*, pp. 356-7; Kirk, *op. cit.*, pp. 3 ff., 423; Peter Viereck, *Conservatism Revisited* (New York 1949), also stresses the modern historical period, while paying tribute to pre-modern roots.

speculation (and therefore "significant political thought") may conceivably end but cannot begin. It happens that many conservatives share in the search for natural right, but, insofar as they are genuinely conservative, they must be ready, for all or for most practical purposes, to accept the old as the good. I do not say that there is anything wrong politically with such an acceptance. It is, however, fundamentally unspeculative, as Rossiter grants,<sup>6</sup> and it is therefore fundamentally unphilosophical, even anti-philosophical.

What the New Conservatives have taken from Burke, whom they so resolutely admire, is less the Burkean debt to Aristotle than the Burkean departure from Aristotle: the tendency to abhor dangerous speculation rather than to present it in a prudent setting, and to substitute a conventional aristocracy for the natural, non-conventional aristocracy of the classics. Burke's natural aristocracy is, I think, almost the opposite of Aristotle's.<sup>7</sup> I make the comparison not to pre-judge the case in favor of Aristotle but to suggest a certain relation between philosophy and history.

Conservatism cannot be, I think, a sufficient frame of reference for "normative political theory" because it is fundamentally historical rather than philosophical. That does not deny that it may be very sound politics, at least at times. Nowhere is that clearer than in the treatment, in some of the works of New Conservatives, of the role of religion in western society. They hold religion, particularly Christianity, as an essentially conservative force. Yet that very fact suggests that they may be, as Viereck says of Metternich, "less concerned with the supernatural aspects of Catholicism than with its function as a political and cultural stabilizer." I do not mean that the canon of Conservative thought "that a Divine Intent rules society as well as conscience" is held merely because the churches are buttresses of tradition, an assumption sometimes questionable. I certainly do not mean to question the depth and earnestness of their convictions. My point is simply that the doctrine which sees religion as a part of history is perfectly compatible with Burke's description of religion as a "prejudice."<sup>8</sup> When Rossiter says that the Conservative might be happier under an established church, but honors "his nation's traditional solution to the problem of church and state," he says what may well be common sense, but his method of analysis and the focus of his interest are fundamentally different from those of the old theologians. They could not have looked upon religion in this way, any more than old sceptics could have been content with the assertion

<sup>6</sup> Rossiter, *op. cit.*, pp. 20, 231; Kirk, *op. cit.*, opening; cf. Viereck, *op. cit.*, p. 6, where he speaks of the "nostalgia for the permanent beneath the flux." Nostalgia is not search. Note also Reston's article cited above.

<sup>7</sup> On the importance of Burke see Kirk, *passim*, esp. Ch. 2; Viereck, 83 ff.; Rossiter, pp. 16, 44; when Kirk speaks of the aristocracy "inextricably interwoven with the fabric of every civilized society," he refers (p. 55) to Burke, who describes a "class of legitimate presumptions, which, taken as generalities, must be admitted as actual truths." *Appeal, Works* (Boston 1866), Vol. IV, pp. 174-5. In Aristotle, the very comparison of aristocracy and oligarchy would suggest the contrary.

<sup>8</sup> Viereck, *op. cit.*, p. 26; Kirk, *op. cit.*, p. 7; also Kirk, *Academic Freedom* (Chicago 1955), pp. 30-1; Francis Graham Wilson, *The Case for Conservatism* (Seattle, 1951), pp. 61-2.

of Kirk that "men who will not acknowledge the author of their being have no sanction for truth."<sup>9</sup> The most significant movements of thought, religious or sceptical, are built on inquiry, not on tradition.

I do not say these things because I have violent objections to established churches, or because I believe that everything the New Conservatives say is wrong. I do not. I say it because I am alarmed, lest, once we get rid of "progress" or "relativism" as a frame of reference for political thought, we should substitute "tradition," a frame almost as tenuous. My agreement or disagreement with the immediate aims of these writers (not all of whose aims are identical) is irrelevant. What is relevant, what is very much at stake, is the direction political thought is to take. Let me examine what I think is the most far-reaching statement in Prothro's paper: that "normative political theory" is "the one field of political science where (content analysis) is perhaps most appropriate." (p. 737) If that means that we may use content analysis to understand political philosophies which have sought a norm for political life, we certainly may, and generations of scholars have done so. If it means, as I think Prothro intends, that we may establish political theories which develop such norms by studying the writings of those who make political pronouncements, regardless of their penetration or judgment, to see a trend, regardless of its seriousness, the establishment of such theories and norms will be largely accidental. No serious scholar would waste his time trying to understand Hegel, for example, merely to find out whether or not Hegel is a "conservative." The effort required to study Hegel is such that it is useless to undertake it, unless we have good reason to believe that we may find something that will help us in our political search. If it is merely to label Hegel, why bother?

Of course there are certain differences in the speeches of public men. It is strange that in studying the political thought of this country, we study public men to a surprising degree, whereas historians of western political thought generally study primarily political philosophers. Is it because we have so many prudent statesmen, or because we have so few political philosophers? It does not vitiate the value of studying one's ancestors to say that, if the trend to conservatism means that we shall have more biographies of Adams and fewer of Jefferson that result will not help us to solve our political problems, at least not radically. What the study of trends in popular appeal means is brought out by Prothro when he sees the possibility that if the "academic New Conservative" can get a political hearing, conjectures regarding new symbols and the "new conservative dictionary" may be reformulated as testable hypotheses. Such a function, however, differs but little from salesmanship. It involves the discovery of principles by a government, as Gordon Harrison urges, "*justifying its present action and defining its future intent.*" (italics mine)<sup>10</sup> It is indeed possible that that is being done, though perhaps not in the manner indicated. Prothro's Table III shows that "God" figures as a demand symbol only in the speeches of Eisenhower. Is that "conservatism"? Is it anxiety? Is it a new trend in public

<sup>9</sup> Rossiter, *op. cit.*, p. 44; Kirk, *Academic Freedom*, p. 31.

<sup>10</sup> *Road to the Right* (1954), p. 6.

opinion? Is it a new trend in speech-writing? Is it a deeper personal conviction than those of Eisenhower's predecessors? It certainly might be adopted by a conservative administration, if it is true that religion is a bulwark of conservatism.

It is true, I think, that there is a tension in "conservative" thought between one's own old, and the best, or the oldest, or the most lasting old, as conservative writers recognize.<sup>11</sup> Insofar, however, as conservatism is wedded to tradition, it hardly needs a conceptual frame. It might inquire whether current doctrines of "religious establishment" or the New Deal are prescriptive rather than whether they are right. Why should a conservative, if conservatives pride themselves on the relative unimportance of speculation, level vigorous attacks on New Deal agencies, if those agencies have become prescriptive? Subversion might be accepted, but even subversion would have to be, in conservative language, "with the materials at hand." Prothro's hypothesis should therefore not only be one that conservatives could accept, but also one that is, I suspect, implicit in their doctrine. It may or may not be true that, as Thoreau implied, a tradition loses every moment some of its integrity.<sup>12</sup> It is certainly true that it loses some of its radicalism, and makes an appeal for the attachment of the conservative, which grows with longevity. In effect, what Prothro is saying is that the New Deal has, as he suggests, become a part of history, and history is, to Clinton Rossiter, the "Creator of all the Conservative holds dear." (including God?)<sup>13</sup> Again we are faced with the problem of whether that which, by definition, takes its bearings by the sweep of events, can furnish a frame of reference for the interpretation of those events. It seems to me to follow that it cannot, and this is not at all to say that "the conservatives" cannot, but only that conservatism cannot. Granting, however, that conservative thought cannot be the "most significant thought," it may still furnish us with useful categories and a useful interpretation for specific purposes; a question which leads to the problem of content analysis.

## II.

Let me again eschew any aesthetic objections to content analysis, which seems to me a very fruitful method for answering certain rather circumscribed questions, which is exactly what I understand Prothro to say. A basic assumption of content analysis is, however, according to Bernard Berelson, that "inferences about the relationship between intent and content . . . can validly be made."<sup>14</sup> These inferences can be made, however, only if the precise character of that relation can be accurately described, or, at least suggested. I do not mean that we have to insist on "sincerity." Propaganda analysts certainly investigate the planned lie. My problem is whether speakers say what they want to say, and it seems to me that there are reasons why they might not. Among

<sup>11</sup> Wilson, *op. cit.*, p. 25; Kirk, *op. cit.*, pp. 428 ff.; Rossiter, *Yale Review*, *loc. cit.*, p. 356; Harrison, *op. cit.*, p. 314, etc.

<sup>12</sup> *Civil Disobedience*, in *Works*, Canby ed. (Boston, 1937), pp. 789-90.

<sup>13</sup> *Op. cit.*, p. 45.

<sup>14</sup> Bernard Berelson, *Content Analysis in Communication Research* (Glencoe, Illinois, 1952), p. 18.



these, and I do not claim them as definitive, are urgency, ignorance, and prudence. Though these factors do not necessarily relate to Prothro's hypothesis, their relation to the content he analyzes is by no means far-fetched. He fully recognizes the problem of urgency, and points to the enormous increase in international items, in Table V. We could perhaps expand that. Herbert Hoover's personal commitment to prohibition and his dismay at the experience with the Eighteenth Amendment may have led him into stressing law enforcement, while at another time he might have stressed food relief. Let me add that I have not checked any findings; I am depending purely on impressions. It is interesting to me, however, that while "class appeals" (Table I), stand higher in rank in Roosevelt than in Truman, they are fewer in number. I wonder whether that would have been true if the Roosevelt of 1936 had been analyzed. I wonder to what extent class appeals may have been a form of counter-attack, which is itself a kind of urgency. There is no need to dwell on it, because, while urgency may be complex, implying the urgency of the issues, of public opinion, of party pressure, and so on, it is none the less strong.

Much more complicated is the problem of ignorance. Theoretically a president may, especially in our time, know nothing of the difficult problems confronting his administration, and rely altogether on advisers, including speech-writers. Or he may know exactly where he stands on all major issues, and require only to be briefed by intelligent subordinates, who know what he wants to achieve and faithfully present the facts to him. State-of-the-Union messages are notoriously written for the President mainly by the several departments and agencies, in the form of paragraphs submitted to him for inclusion. Surely the content analyst would find it useful to know something of the knowledge or ignorance of a president. Yet the problem is not even so simple as that. Obviously, what a president may learn, he may not know at the moment of his acceptance speech. Prothro, in testing his hypothesis, concentrates on the incoming and relatively unknowing presidents. By analyzing the "first acceptance speeches, inaugural addresses, and state of the union messages", for very good reasons, he none the less precludes any analysis in terms of the lessons of experience. That you can study "conservatism" or the antithesis in terms of what a man was just before and just after he became president, almost presupposes an inability to learn. The acceptance speech is, moreover, a very special case, though it is one-third of the sample. What Franklin Roosevelt did to the acceptance speech when he flew to the convention in 1932 is well-known. It was the despair of those political scientists who, like Sait, regarded that speech, in Blaine's formulation as "the legitimate creed of the party." Whatever else it portended, it certainly put the dark horse at a disadvantage. Stevenson in 1952 was reported to have been working rather furiously on his acceptance speech, while his advisers asked him to be at the door of the convention, so that he might appear as soon as he was nominated. Obviously what a man thinks in a hurry and what a man knows deliberately are often quite different, and the acceptance speech may well differ from all other speeches, implying, for better or worse, more spontaneity and less painstaking. On the other hand, a carefully planned acceptance speech, intended to pitch the tone of the campaign, may be the least spontaneous of all

speeches. These distinctions may weigh, quite heavily, in one's findings, and even more so in the future, if conventions are to be managed by movie actors.

Yet we have not even begun to explore the problem of ignorance. Prothro presents a dichotomy between generality and specificity, and, in one of his most suggestive findings, shows a higher level of generality among the Republican presidents. But, I am obliged to ask, what, besides conservatism, might lead to a high level of generality? Apart from sheer audience appraisal, I can think of two things: ignorance and delicacy. Prothro's hypothesis that the acceptance of New Deal symbols by Eisenhower is reluctant would, while granting the importance of audience appraisal in their acceptance, substantially preclude that factor in their rejection. Beyond that, I should not dare to resolve the question. We have no right to demand that delicacy, often required in matters of foreign policy, be treated as ignorance or insincerity. Delicacy comes off rather badly in content analysis, and it is part of the mystery of foreign policy that we must often assume its spokesmen to be wiser than we honestly believe them to be. As far as the Acceptance speech and campaign speeches generally are concerned, I should like to suggest another hypothesis: we may expect a high level of generality when a candidate has or believes that he has a commanding lead. Witness Dewey's speeches in 1948 and the conversion of Ives in 1954 from high level generality to low level polemic when the going was rough.

A speaker may, in other words, be silent, or speak tongue-in-cheek, not only through knowing too little, but also, as Lincoln pointed out, through knowing too much.<sup>15</sup> To say the contrary, in our time, is to say that every scientific experiment should at once be made public, and few responsible persons say that. This restraint is a part of what the ancients called practical wisdom, or prudence, and its incidence in verbal material is not easy to explore, by content analysis or by any other method which I know. Whether, indeed, it is actually relevant to Prothro's own findings, I cannot possibly say. Without, however, knowing all the literature of content analysis, I may at least wonder how far its practitioners have explored the factor of prudent silence. Let me repeat that I do not mean by this simply the well-planned lie. I mean a silence that is knowing but disinterested; or even a lie that is noble but disinterested. The importance of this method of communication has been brought to our attention particularly by Leo Strauss,<sup>16</sup> and its usefulness in the analysis of many historic works in political philosophy is certain. That Shakespeare, in *King John* does not mention Magna Charta, that Bacon avoids mentioning Bruno, that Locke avoids mentioning Hobbes, that several political writers avoid mentioning Spinoza, though they may be indebted to him: these and many other instances of prudent silence cannot be interpreted in terms of timidity or insincerity alone and are integral parts of content. Of course, the speech of a public man is something else again, but we should not preclude the possibilities of prudent silence. If, as many of us believe, the study of "normative political theory" is best

<sup>15</sup> Speech on War with Mexico, January 12, 1848, opening paragraph.

<sup>16</sup> *Persecution and the Art of Writing* (Glencoe, Illinois, 1952), particularly Essay 2, of same title.

furthered by the study of old and often neglected texts, wherein writers come unashamedly to grips with the recurrent problems of the political life, the radical revision of content categories follows. Even in the conservative tradition, the fact that the word "democracy" is little in evidence among, for example, the founding fathers, is not insignificant; nor is the reason obvious. And in political history generally, what a man does not say is often of as much importance as what he does. Where was "civil rights" in the list of Eisenhower appeals?

Keeping in mind, however, the limited role of political spokesmen, I should like to explore certain of the problems raised by Prothro's extremely interesting tabulations. His suggestion that political appeals show the shift from Hoover to Eisenhower, while demand symbols indicate the reluctant character of that shift is persuasive, and confirms his carefulness in using both categories. What, however, is the nature of the ambiguity? Is it intrinsic, and do "appeals" relate more closely than "demands" to the insistence of the audience? If I think, however, in terms of urgency, which seems to me the most obvious limitation on the President's freedom in major speeches, I am particularly inclined to compare Truman and Eisenhower, who share, as Prothro shows us, the appeal to "dark realities". The Korean War should not obscure the fact so tellingly indicated in Table V that Truman, although not then involved in actual warfare, was obliged, like Eisenhower to stress, to an overwhelming degree, "international" questions. This similarity lends particular color to the question of peace. Yet, while 63 of the Truman appeals dealt with peace, only 23 of the Eisenhower appeals dealt with it. In terms of demand symbols, the contrast is perhaps even more striking. Peace, which stood second highest on Hoover's list, with 28 demands, 14% of all Hoover demands, stood highest on Truman's list, with 21 demands, 16% of Truman demands, but is reduced to fourth place in the Eisenhower speeches, with 16 demands, 9% of the total. By way of contrast, there are but 19 demands for freedom in the Truman speeches, while there are 41 (or more than twice as many as peace) in the Eisenhower. Out of context, of course, it is hard to judge, and, I repeat, I have not checked any speeches. The suspicion in this corner is, however, that a radical shift in the verbalization of foreign policy was even then under way, and that we may see in these figures something of the moral intransigence of the State Department. It is indeed possible, though I cannot be sure from the presentation, that the exclusive use of the demand symbol "faith" by Eisenhower may contribute to the same result. One of the tenets of a conservative program suggested by Russell Kirk is "national humility."<sup>17</sup> There may be evidence in Prothro's tabulations, and there is certainly evidence outside them, that this particular tenet of conservatism has not been stressed by the party in power.

My great difficulty is, however, the feeling that Prothro's hypothesis cannot really be tested unless we can be sure that the men whose speeches are analyzed are not unduly timid towards public opinion. The postulate that the "basic tenets of the New Deal can no longer be frontally attacked at the highest

<sup>17</sup> *Op. cit.*, p. 423.

level of conservative leadership" is certainly supported, but it is not demonstrated, by the fact that the "chief post-New Deal spokesman for the conservative point of view" did not so attack it. It seems to me that, if there is a body of doctrine which can be called "conservatism", the question of whether its tenets may be influenced or modified by anti-conservative doctrines and practices might better be studied by a content comparison of the speeches of Winston Churchill with those of an earlier conservative, like Disraeli, and those of a later "liberal", like Franklin Roosevelt. Churchill, after all, writes his own speeches, and he once scorned excessive timidity towards public opinion by scorning those who maintain the embarrassing position of keeping their ears to the ground. To say that is not to say that Churchill is not a politician. It is reasonably certain, however, that no one from Madison Avenue ever told him what to say. We can never be certain that someone like Churchill would not frontally have attacked what appears no longer susceptible of successful frontal attack. Madison Avenue, on the contrary, makes it difficult to get fruitful results as to the structure of conservatism and its potentiality. Madison Avenue must, moreover, have its own content analysts, who go by their own well-paid hunches. It is sad to reflect on the possibility that the skillful use of content analysis by those who plan speeches may to some extent vitiate its use by those who study them.

Briefly to answer the first two questions that I have put to myself: it seems to me that content analysis is a very useful method for the study of political theory, on the whole, however, rather for historical than for "normative" purposes. In the study of philosophic texts, simple computations may be replete with meaning. But these tools are useful provided that two factors, at least, are present: 1) the writer studied is worth the care that the method requires, and 2) the writer intended to speak to more than one audience, and would have welcomed the content analysis of the careful reader. The first factor precludes wasting time; the second precludes assuming that we are wiser than the writer we study. Hence the value of content analysis tends to decline in those areas where communication is concerned with getting the maximum possible support from the maximum possible audience. In such cases, it may evaluate propaganda themes; it can seldom disclose "thought" or find reason in the essentially irrational. It can seldom detect "conservatism" in a universe of audience response, despite the fundamentally anti-philosophical character of "conservatism." Philosophers may be conservatives, as many have been, but, if we studied their own work, we should be disappointed to find nothing but "conservatism."

### III.

My third problem, that of giving precision to impressions, has yet to be touched. I suppose that content analysis, however refined its modern procedures, is an old and reputable method. Every reputable scholar wants to confirm or refute his own impressions, to substitute precision for predisposition. I suppose that content analysis may correctly be described as the method used to understand a difficult text, almost any text that could not be read while run-

ning. That method certainly involves computation, though it is by no means restricted to computation. It rests, I suppose, on the desire of the analyst to understand what a text means. It is, I think, the way Bacon studied Machiavelli, or Rousseau studied Montesquieu. In this case, the analyst studies the text because he believes that the text has something he wants. Of the contemporary content analyst, however, that is no longer altogether true. He studies the emptiest comic books as well as the most important texts. He does so, not because of their intrinsic importance but because he thinks that they may help us to understand "our world". Whatever commentary on "our world" that suggests, he may be right. He is certainly right in supposing that, in a world that rests so easily upon opinion, he must explore the solidity of that opinion. He must therefore investigate impressions which people regard as "self-evident". In any society, the "obvious" is not necessarily true, and in modern democracy, the fact that the obvious is not true is of real political importance. If that democracy depends, as it certainly must, on the "common sense of the common man", it is necessary that that common sense be buttressed by the refutation of certain false shibboleths. That does not, however, tell us, and I cannot here explore, which false shibboleths should be refuted, and when, on the contrary, it may be useful for the "most rational government" to have "the prejudices of the community on its side."<sup>18</sup> Prothro has shown, and, I think, conclusively, that the "impressionistic" interpretation of Eisenhower's relation to Hoover on the one hand and the New Deal on the other is essentially sound. Such a demonstration may be less startling than the contrary would have been, but it is no less solid, and no less helpful to the voter, who wants the answer to these questions.

What, however, are the prospects, and what are the limits of giving precision to the imprecise? It is an ancient political question and I can here do no more than touch upon it. Obviously, beliefs about the most important political things cannot be given support, nor can they be refuted, by content analysis alone. The suggestion that they could would involve an authoritarian view of some specific content. The support which content analysis may give to "impressions" cannot carry that far, but it is still far-reaching. One reason for exploring what is generally held and is believed to be obvious is the polemical. If a man has a just quarrel, he has every reason to enforce that just quarrel with facts, even though they seem but to furnish proof where impressions should have made proof unnecessary. If content analysis can possibly convince the hunter that he should pause in his hunting, it is a boon to the hunter and the hunted as well. To show in figures, so that the unreasonable man may read what the reasonable man already understands, is often a boon. On such a ground, I believe, one must commend studies of communism that show the complexity of attachment to injustice, presenting the real reasons why young and inexperienced persons may regard injustice as just. Whether by content analysis or by some other method, the use of naked figures to challenge cant is never altogether useless.

<sup>18</sup> *Federalist*, No. 49.

# TOTALITARIANISM AND RATIONALITY

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The experience of modern totalitarian regimes suggests that they are not likely to perish through internal revolt unless that occurs at a time when the totalitarian regime is in mortal danger from an external challenge, as in the marginal Italian case, or these the totalitarian movement in power is about to undertake decisive measures to turn the country into a totalitarian system, as in the case of the counter-revolution against Peron in Argentina. Other than that, and even considering the succession crises, modern totalitarian regimes have shown themselves capable of maintaining their totalitarian character in spite of domestic and foreign opposition. More recently it has been argued (*e.g.*, by I. Deutscher, *Russia: What Next*) that modern totalitarian regimes, if not overthrown by external forces, will nevertheless in the end be quietly and inevitably transformed into more democratic states by the subtler but irresistible influence of rationality inherent in the bureaucratic and managerial apparatus that no modern state can do without. This proposition will be developed more fully and given critical consideration in subsequent pages in order to test whether rationality, regarded in this context as a certain mode of thought and behavior induced by the requirements of modern industrialized and bureaucratized societies, is in fact incompatible with modern totalitarianism. To do that, however, we first have to seek some specific political definition of the system of rule currently known as totalitarianism. That this is no simple problem is illustrated by the variety of approaches taken by such distinguished authorities as Arendt (*The Origins of Totalitarianism*), Fainsod (*How Russia is Ruled*), Friedrich (ed. *Totalitarianism*), S. Neumann (*The Permanent Revolution*) and others. A preliminary attempt to posit a working definition and to discuss the process of totalitarian development in terms which might justify the application of the term "totalitarian" to such otherwise varied systems as the Nazi, the Soviet and possibly the Fascist, thus seems proper.

## I. A DEFINITION OF TOTALITARIANISM

The crux of any attempted definition of totalitarianism is the perplexing issue of its uniqueness; what is distinctively new about it? Certainly, autocratic systems in the past displayed many of the features developed and accentuated by modern totalitarianism. Diocletian's tyranny or the Shogunate in Japan, for instance, stressed to a high degree the acquiescence of the population in centralized control. Both systems also institutionalized an atmosphere of fear through a system of secret police informers not unlike the totalitarian societies of the twentieth century. Similarly, we find among many of the nineteenth century European reformers a readiness to use violence for the sake of postulated improvements and reforms much like the ideological intolerance and con-

\* The author is indebted to the Russian Research Center, Harvard University, for the support given him.

sequent brutality of the Rosenbergs or Zhdanovs of our own age.<sup>1</sup> Cromwell's regime also displayed some analogies. The examples could easily be multiplied to include many other cases involving features similar to some of the characteristics of totalitarianism. Spain is a contemporary example.

Totalitarianism, being a dictatorship, characteristically includes the coercive qualities noted in such varied dictatorial systems. But unlike most dictatorships of the past and present, the totalitarian movements wielding power do not aim to freeze society in the status quo, but on the contrary institutionalize, or plan to, a revolution which mounts in scope, and frequently in intensity, as the regime stabilizes itself in power. This revolution is to pulverize all existing social units in order to replace the old pluralism with a homogeneous unanimity patterned on the blueprints of the totalitarian ideology. The power of the totalitarian regime is derived not from a precarious balance of existing forces (*e.g.*, church, landed gentry, officer corps) but from the revolutionary dynamism of its zealous supporters who disarm opposition and mobilize the masses both by force and by an appeal to a better future. This appeal is normally framed in the official ideology, or action program, of the movement. In time, of course, the dynamism decreases, but by then the system is buttressed by complex networks of control which pervade the entire society and mobilize its energies through sheer penetration. An institutionalized revolution, patterned on the totalitarian ideology, thus makes totalitarianism essentially a forward-oriented phenomenon. Most dictatorships, on the other hand, have as their object the prevention of history from keeping in step with time. Their survival depends on maintaining the status quo. When they fail, they become history.<sup>2</sup>

This proposition can be further developed by examining the fate of restraints on political power, which are present in varying degrees in all societies, once the totalitarian movement seizes power. These restraints can be broadly listed in three categories: 1) the direct restraints, expressed through *pacta conventa* such as the English *Magna Carta* or the Polish *Nihil novi . . .*, the Bill of Rights, constitutional guarantees, a rule of law, or even the broad consensus of tradition which rules out certain types of conduct, such as the use of violence; 2) the indirect restraints which stem from the pluralistic character of all large-scale societies, and which necessitate adjustment and compromise as the basis for political power, *e.g.*, the churches, the economic interests, professional, cultural or regional pressure groups, which all impede the exercise of unrestrained power; and 3) the natural restraints, such as national character and tradition, climatic and geographical considerations, kinship structure and particularly the primary social unit, the family. These also act to restrain the scope of political power.<sup>3</sup>

<sup>1</sup> Much was made of this in J. L. Talmon's *The Rise of Totalitarian Democracy* (Boston, 1952).

<sup>2</sup> This is the political tragedy of such leaders as Chiang Kai-Shek or Naguib who came to power to effect a revolution but became dependent in their control of power on conservative elements.

<sup>3</sup> One might also consider a supernatural restraint in the sense of a transcendent

In constitutional societies all three categories of restraint are operative on political power. In practice, of course, various violations occur, but these generally constitute a deviation from the norm rather than the norm itself. Dictatorial or ancient autocratic societies are characterized by the absence of the direct restraints since these are incompatible with the nature of arbitrary, and frequently personal, leadership. Suspension of civil rights, open or masked subversion of established constitutional practices, and negation of popular sovereignty have been characteristic of all non-constitutional states, totalitarian or not.

The indirect restraints, however, have usually escaped the dictatorial scythe except when a significant social grouping chooses to resist directly the dictates of those in power. If, for instance, the church or the nobility, for one reason or another, clashes with the ruler, it is then subjected to the dictatorial pattern of coercion. Generally, however, the broad outlines of social life are not disturbed by the dictator even though an individual objector, even in high place, is struck down. An average Hungarian under Horthy or a Frenchman under Louis XIV was not directly drawn into the operations of the regime, and could continue in his traditional associations much as before the advent of the ruler. The ruler himself based his power to a great extent on the varying alliances reached among combinations of social-political forces, and maintained himself in power as long as such alliances endured. Revolutionary changes were hence anathema to a dictatorship of this kind.

It is only totalitarianism of our own age which rejects all three kinds of restraints.<sup>4</sup> It not only subverts the direct restraints immediately after the seizure of power but, unlike traditional dictatorships, it proceeds, once entrenched, to pulverize all existing associations in society in order to remake that society and subsequently even man himself, according to certain "ideal" conceptions. In time it even attempts, not always successfully, to overcome the natural restraints on political power. Without doing so, totalitarianism can never achieve the isolation of the individual and the mass monolithic homogeneity that are its aim. Only with both of them (the paradox between them is more apparent than real) can the existing pluralism be transformed into an active unanimity of the entire population which will make the transformation of society, and ultimately man, possible. Only through them can man be conditioned to the totalitarian image, for the totalitarian hope is that action patterns will lead to thought patterns. This process, however, even if purposely gradual (as, for instance, in Poland under the communists), inevitably involves the regime in evergrowing applications of coercion. Some of the "unredeemable social misfits" have to be removed, and it is difficult for the regime to single out for extinction particular social groups without soon involving itself in large-scale

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moral order to which many governments pay lip service. In fact, however, its *political* significance is probably covered fully by the three outlined above, and particularly by the first two.

<sup>4</sup> Democracies do so, to a limited extent, in time of recognized danger; this is the concept of constitutional dictatorship. However, it always has some time limit.



terror. Society is composed, after all, of largely overlapping associations and loyalties. Terror thus becomes an inevitable consequence, as well as instrument, of the revolutionary program. But the totalitarian revolution would be meaningless without a justification to induce the active unanimity of the population. Hence ideology is not merely a historical guide. It becomes a daily dose of perpetual indoctrination. The total social impact of the totalitarian efforts to make reality conform to totalitarian thought, involving terror and indoctrination as well as institutional and social reorganization, makes for a quantitative difference from old dictatorships which is sufficiently great to become a qualitative difference.

In order to define totalitarianism one may also attempt to isolate its objective attributes, some of which have already been implied. C. J. Friedrich suggests that these may include, in a syndrome, the following: an official ideology, a single mass party, a technologically conditioned near-complete monopoly of all means of effective armed combat and of effective mass communication, and a system of terroristic police control.<sup>5</sup> The combination of these by no means exclusively totalitarian characteristics with the total social impact stemming from the inherently dynamic revolutionary spirit of totalitarianism makes it, in terms of the accepted categorizations of political systems, historically distinct. Totalitarianism, therefore, has to be considered as a new form of government falling into the general classification of dictatorship which includes the ancient autocracies, tyrannies, despotisms, absolute monarchies and traditional dictatorships. *Totalitarianism is a system where technologically advanced instruments of political power are wielded without restraint by centralized leadership of an elite movement, for the purpose of effecting a total social revolution, including the conditioning of man, on the basis of certain arbitrary ideological assumptions proclaimed by the leadership, in an atmosphere of coerced unanimity of the entire population.*<sup>6</sup> This definition thus goes beyond Friedrich's descriptive syndrome of discernible characteristics of totalitarianism, and attempts to point also to its essence, *i.e., its institutionalized revolutionary zeal.*

## II. DYNAMICS

Existing political situations in a number of countries provide useful illustrations of the stages of totalitarian development. Admittedly these overlap. In France and Italy, the totalitarian movements operate today, competing electorally and plotting conspiratorially, in a non-totalitarian environment. Their task is to overthrow, at an opportune moment, the existing political systems and to seize power as a prerequisite to the implementation of their programmatic goals. Their situation, broadly speaking, is analogous to the position of

<sup>5</sup> *Totalitarianism*, p. 53. (Cambridge, 1954). The author acknowledges his debt to C. J. Friedrich with whom he has collaborated in teaching a graduate seminar on dictatorship. A product of that collaboration is their forthcoming book on *Totalitarian Dictatorship and Autocracy* (Harvard University Press).

<sup>6</sup> For a fuller discussion, see the author's *The Permanent Purge—Politics in Soviet Totalitarianism* (Cambridge, 1956), esp. pp. 1-8, 168-175.

the NSDAP in the Weimar Republic prior to 1933 or to the Bolsheviks in Russia prior to 1917, although the latter had to rely much more on conspiratorial action. This is the pre-revolutionary stage, which may range through varying phases of maturity and ripening before the actual moment of seizure of power.

The next stage follows the seizure of power, with the totalitarian movement solidifying its hold on the instruments of power. This is the period of entrenchment, of occasional compromise, of preparation. Active opposition elements are removed and comprehensive plans for future operations drafted. Gradual efforts to penetrate and neutralize hitherto abstaining groups, which could become potential sources of resistance, are made in anticipation of their total absorption. This was the situation prevailing in Italy during almost the entire Fascist period,<sup>7</sup> in Germany roughly till the war, in the USSR till the early thirties, and in Argentina until the actual collapse of the Peronist regime when it was about to embark on its revolutionary program. It is thus a stage of consolidation and anticipation, of tactical appeasements masking strategic planning.

The totalitarian system begins to materialize with the launching of the internal revolution and the attempted pulverization of existing social units. At this stage not only the indirect restraints but even the so-called natural ones are assaulted. As the image and the structure of the totalitarian movement come to be reflected in the new institutions, organizations, and the factories built on the ashes of the old society, the system takes shape. In all walks of life the operational principles of the movement become the standards for conduct, and the race into the future starts. All the energies of the population are mobilized through force, rewards, opportunities and propaganda. Ideology, reduced to the level of the daily exhortation, is used to justify the existing sacrifices and to give meaning to the unending search for the ideal Tomorrow. This is the situation initiated in the USSR by the first Five-Year Plan and in the satellites since about 1948.

Inevitably, however, stabilizing factors begin to intervene even before the full impetus of the internal revolution is felt. Power, like wealth, has an inherent tendency to attract strong attachments in those who enjoy it. Consequently the triumphant elite, while not officially abandoning its ultimate ends, tends to stress immediate power considerations. An ideological rationalization for such a tendency is ever-ready: power must be consolidated if further advances are to be made. The sincerity or insincerity of such reasoning notwithstanding, the consolidation of power becomes a conservative tendency. In an ideologically motivated, zealous organization this breeds its own antithesis among those anxious to push ahead. Those who toiled and risked to seize power accordingly become all the more fearful of the rising young stars and new constellations in the movement, into which many late arrivals have flocked. Some therefore urge

<sup>7</sup> Fascist inability to cope decisively with the old officer corps, the monarchy and the Vatican probably also explains the relative swiftness of the collapse of Fascist power as compared to the Nazi capacity to control the situation until the final annihilation.

that revolutionary changes be pushed immediately lest new elements come to the fore. Others urge greater restraint, and even compromise with the former dominant groups, now suppressed, but still not liquidated. Purges provide a partial solution for this dissension. The history of the right and left wing deviations in the USSR, and of the SA-SS clash in Germany, is instructive in this respect. The intervention of such stabilizing factors, in the initial stages at least, thus tends merely to accentuate the tension. Its longer run consequence, however, so far as available experience teaches, is to generate even greater violence and unpredictability.

But in time other pressures towards gradualism and stability develop. As the ruling elite ages, it becomes more and more concerned with succession, with status, and also with the transmission of its privileges to its children. Revolutionary considerations begin to be obscured by a desire to assure one's own offspring better education, advancement opportunities, etc. Such processes develop unconsciously as an inevitable consequence of privilege. Distinct class differentiation thus develops, producing thereby another element impeding the totalitarian revolution which tends to emphasize social mobility, arbitrariness and uncertainty.

This process in communist totalitarian systems has been specifically linked with the rapid development of an industrial economic order. Communist dictatorships have made industrialization and (to a lesser degree) collectivization the central theme of their internal revolution, partially to prove *ex post facto* the correctness of Marxist assumptions, partially because in a technological age industry is the backbone of national power, and especially because they seized power in backward areas where industrial development had been seriously retarded but had become the focal point of aspirations. Industrialization, imposed politically and without regard to cost, necessitates not only great sacrifices from the people but also involves the application of tremendous coercive force on those who, because of tradition, self-interest or apathy, resist it. In that sense Soviet terror in the thirties was functionally rational, although its aberrations and excesses were frequently irrational. Some theorists, like Arendt, have tended, however, to overemphasize the latter aspects. The oppression and terror of the Soviet system was significantly linked with this at-all-cost, ruthless attempt to destroy the existing way of life. It involved the commitment of all the energies of the regime to push the program and mobilize the entire population to carry it through.

The first repercussions of this program were therefore in the direction of accentuating the totalitarian character of the system. As industrialization and collectivization through coercion grew in scope, an ever larger number of people were affected. Traditional allegiances and alliances were shattered, and those suspected of opposing the party program were arrested, deported or shot. Terror and fear grew rapidly. Not even the party was immune, and countless members were purged for alleged inefficiency, often translated into accusations of sabotage and wrecking.<sup>8</sup> The first consequences of industrialization, to re-

<sup>8</sup> See *The Permanent Purge* (cited in note 6) particularly chapters 4 and 5.

peat, were thus to maximize existing fear, arbitrariness, caprice and terror; in other words, to stress the irrational elements. At the same time, a tremendous social upheaval was created, and literally millions of people were torn from their traditional occupations or surroundings. While this meant misery or death for many, unprecedented opportunities for rapid advancement also opened up. The totalitarian revolution, therefore, stimulated not only negative reactions; it appealed to the imaginations and self-interest of many others. The presence in this upheaval of a disciplined, and the only organized body, the Communist Party, gave its leaders almost unlimited power to channel the revolution, to direct it, to head it. A society in this stage of destruction and construction could not produce any restraints on the totalitarian leadership. A society subjected to so total a revolution, socially and economically, offers only two political alternatives: anarchy or totalitarian control. The disciplined and militant totalitarian movement insured the latter alternative.

We do not know what forms the totalitarian revolution, unhindered externally, would have taken in the more advanced societies where totalitarian movements came to power before World War II. Those, like Poland and Czechoslovakia, that have come under communist dictatorships since the war have in a broad sense been subjected to the same pattern, although with significant variations pointing in the direction of greater gradualism. Nonetheless, collectivization, nationalization of trade and expansion of heavy industry all have tended to reproduce this total social impact which dissolves the traditional society. Very specific circumstantial factors prevented the Fascist and Nazi regimes from launching similarly large-scale schemes of social reconstruction. Nonetheless it is sufficient to read Starace's plans to change the Italian national character or Mussolini's remarks on the need to eradicate the Italian "softness," as well as some of the party regulations on daily behavior of the citizen issued in 1938, to realize that such a revolution was being seriously contemplated in Italy. In the case of the Nazis, there is even more ample evidence that the New Order in Europe would have resulted in revolutionary changes in Germany proper, changes highly inimical to the established order. Hitler's wartime conversations and Himmler's plans for the SS are full of projects that would have involved radical changes in German society and economy.

The question arises, however, what happens when the initial impetus of purposefully induced change has spent itself? What happens when the initial economic drive is more or less achieved, and further efforts are merely the accentuation of something already existing?

### III. A RATIONALIST TOTALITARIANISM?

It could be argued, and some have, that Soviet totalitarianism, the most advanced totalitarian society of our age, is now entering upon a new stage of development, the character of which will be determined by the industrialized nature of the Soviet economy. This analysis, partaking somewhat of a material determinism, stresses the incompatibilities between totalitarianism and the

requirements of a modern, industrial and hence also bureaucratic order. Noting that totalitarianism in the past has seemed largely irrational, it argues that the rationalistic routines of the indispensable managers of the industrial society will necessarily transmit themselves to the totalitarian leadership and gradually effect a fundamental transformation of the system itself. This transmission will be aided by the fact that the totalitarian movement has become highly bureaucratized and therefore shares in many of the operational patterns associated with running the industrial machine. Furthermore, it is argued, the totalitarian movement itself has become increasingly staffed by the managerial-bureaucratic elements to whom party membership means no more than an important club association necessary to satisfy career ambitions. The revolutionary torch and the unending quest are accordingly displaced by the swivel chair and the punch-clock.

Totalitarianism, in the extreme form of this argument, is thus to disappear imperceptibly and unintentionally. As stability, predictability and overall rationality set in, fear, terror, and arbitrariness will fade. Mass enthusiasm and passionate unanimity will give way to disagreements on matters of expertise, and hence also on policy. Policy discussion will then become genuine arguments on alternate courses of action; selection will be made on the basis of rational (technical, objective assessments of the implications of perceived reality) considerations without violent (hence arbitrary and fear-inspiring) consequences for those whose arguments did not prevail. This, together with the growing stability of various privilege groups, will in turn lead to a form of pluralism, suggestive of the existing democratic systems. Democracy, even though likely a curtailed one, will enter by the back door.

One example of this type of reasoning is the argument advanced by I. Deutscher in his *Russia: What Next?* Deutscher stresses the point that: "the economic progress made during the Stalin era has at last brought within the reach of the people a measure of well-being which should make possible an orderly winding up of Stalinism and a gradual democratic evolution."<sup>9</sup> This argument leaves considerable room for dissent. Democracy involves more than what Deutscher suggests. It requires, in the view of some, a certain philosophical tradition, a basic recognition of some sort of higher law, a fundamental attitude of toleration, an absence of doctrinal fanaticism—all of which are, at most, only indirectly linked to a state of "well-being" and none of which seem to be even remotely present in the existing Soviet scene. One may also wonder what is actually meant by "a measure of well-being," especially since wants are relative. Furthermore there is little of substance in what is known today of totalitarian institutions to indicate the likelihood of such a democratic development. It is difficult to assume that the party, having such a vested interest, will be willing to resign its absolute control of the instruments of

<sup>9</sup> (New York, 1953), p. 227. Deutscher's argument should not be confused with B. Moore's reasoned analysis in *Terror and Progress USSR*. This weighs alternative patterns of development in terms of the possibility of continued totalitarian development, or a technical-rational pattern, or the emergence of a traditionalist form.

power. The argument also assumes a short-range quality to the goals of the party, and it ignores the impact of international developments on domestic policies.

Deutscher's analysis thus falls down on two counts: its highly monistic interpretation of democracy fails to see democratic development in its complex and pluralistic perspective, the economic aspects of which are merely one component part of a diversified whole; and its interpretation of Soviet totalitarianism fails to perceive the self-generating power of the system of controls and the resulting vested interests in the maintenance of these controls. Fainsod, in concluding his examination of the Soviet regime, makes this statement:

As long as the Kremlin leaders continue to see their future in terms of industrial and military might, they will probably persist in relying on totalitarian instruments to force the pace of industrialization. Those who possess absolute power do not part with it willingly. The governing formula of Soviet totalitarianism rests on a moving equilibrium of alternating phases of repression and relaxation, but its essential contours remain unchanged. The totalitarian regime does not shed its police-state characteristics; it dies when power is wrenched from its hands.<sup>10</sup>

The question remains, however, whether in the long run totalitarianism is compatible with a rationalistic orientation prevailing in its extensive bureaucracy and in the managerial classes of its industrial order. To some extent, this issue, like the one discussed above, is made more complex by the general problem of the range of predictability in political science. It is doubtful that any "scientific" prediction can be made in matters not clearly connected with institutional, legal, stable processes; such as, for instance, one that presidential elections will occur in the United States in 1956 and 1960, and that, barring some drastic denouement, the contenders will be the Democratic and Republican parties. Predictability becomes more difficult, and its range much shorter, in matters involving general problems of political-social development in a system where little is known of the processes of decision-making at the top, of the motivations and considerations involved, of the nature of the various power alignments, and last, but not least, of the morale of the leaders. There are also few biographical data, beyond the barest essentials, about most of the leaders. In such cases, one must rely to a considerable degree on the projection of past experience, and estimate the future implications of current commitments of the system.

The experience of Germany with Nazi totalitarianism, albeit brief, may therefore not be irrelevant. The Nazi system was imposed with all the earmarks of revolutionary totalitarianism on a society with a highly developed industrial order, with an established and conservative managerial class, with the most efficient and routinized bureaucracy in all Europe. Yet there is no indication in all the available evidence that the fanatical, often irrational and usually brutal, Nazi leadership was in any way deterred from its purposes by the influence or orientations of the German technocrats or bureaucrats. With few exceptions, the German bureaucrats and technocrats adjusted meekly to the requirements

<sup>10</sup> Merle Fainsod, *How Russia is Ruled* (Cambridge, 1953), p. 500.

of the totalitarian movement and were happy to reap any material benefits that Nazi successes produced. It was not until the Nazi regime began to crumble that the bureaucratic and technocratic elements, *e.g.*, Speer, showed any initiative or purposeful action of their own. Until then, it was more a matter of the bureaucrats absorbing Nazi values, *e.g.*, in the treatment of slave laborers, than of the Nazis absorbing a bureaucratic orientation. It seems, therefore, that a violent, arbitrary totalitarianism can, at least, arise and maintain itself in an industrially advanced area without loss of its revolutionary zeal and fanatic brutality. It did so in Germany and Italy and Czechoslovakia.<sup>11</sup> The crucial factor throughout was the presence of a movement with a revolutionary morale able to wield effectively the instruments of power.

A rebuttal, however, might point to the fact that both the German and Italian systems were of brief duration, and the experience of Czechoslovakia is too recent for confident evaluation. Furthermore, the emergence of a new and imposing industrial and bureaucratic order under the totalitarian regime itself in the USSR is obviously of the greatest importance for the domestic political development of the Soviet society. It is a development not paralleled in any of the other countries mentioned, where the totalitarian movements were superimposed on already existing industrial systems.

One must acknowledge, therefore, that conceivably totalitarianism may become, because of the factors suggested and in spite of the Nazi experience, rationalistic and hence less unpredictable, arbitrary and openly terroristic. But there is no evidence to suggest that this in itself is incompatible with totalitarianism, which need not be interpreted, as H. Arendt seems inclined to do, in terms of irrational terror almost for the sake of terror. Such a rationalist system, arising in the context of one-party domination (not to mention international pressures), could be nothing less than a rationalist dictatorship, just as total in control as its less predictable and more violent antecedent of the thirties. The institutionalized revolution which still characterizes the existing totalitarianisms will inevitably slow down in the future, but by then it will be involved in an economic commitment which also has its own political logic. The totalitarian economy, as many have observed, has been developed in the USSR over the last thirty years in keeping with plans oriented to a final (if not yet precisely defined) goal. It is thus a goal-oriented economy, the goal being communism. That this goal needs more definite formulation is, for our purposes, irrelevant. The important thing is that those in charge of the Soviet society have assumed that economic and social development in all its aspects can be purposefully steered by man in the direction of an ideal solution. This produces consequences not only economic but also political, quite different from those induced by other equally technologically advanced economic systems where, to a large extent, economic life is self-directive and ultimate goals, such as plenty and progress, are purposely vague. These goals have less bearing

<sup>11</sup> There is also the case of Japan, where industrialization advanced rapidly under a form of government which was increasingly marked by totalitarian tendencies. All indications prior to 1945 suggested that a "democratic evolution" was not to be expected.

on current decisions than such factors as past experience, demand, prices, competition, and opportunity. In the latter case, a measure of freedom of interplay is inherent. In the former, all decisions and plans are made, or are rationalized, in terms of the ultimate goal.

Consequently it makes little *political* difference whether the range of man's alternatives is limited by uneducated revolutionaries or by scientific Ph.D.'s, once the entire economy is subjected to a process of human engineering oriented on a goal which cannot be questioned. Admittedly, operations conducted by trained bureaucrats and technocrats may be more "rational" and less directly oppressive (in so far as extreme oppression may be uneconomical, which is not entirely certain). But to be less totalitarian such operations would have to involve some degree of withdrawal on the part of those in charge from their commitment to total social and economic engineering, thus granting to those living under the system the opportunity to make important choices *not* in keeping with the goal. But such a politically meaningful development would in turn involve a further condition, which at the present appears highly unlikely, namely the decline of ideology and a basic reconsideration of the firmly instituted schemes of economic development. Barring that, the totalitarian economic system would continue to exert pressures for the maintenance of a dictatorship capable of enforcing the kind of discipline that such total plans demand. It is doubtful that as long as the party remains in power the tendency of the regime to stress unattainable goals will vanish. Indeed, it is these goals, inherent in the current ideology, which justify to the population the sacrifices which the party's domination involves. Thus, as long as the party continues to hold its successful grip on the instruments of power, we can expect it to continue stressing first the long-range goals of an ultimate utopia, and then the consequent sacrifices to achieve them, even though possibly at a diminishing rate of effort.

The rationalist tomorrow, if it ever comes, will therefore not be an introduction to a democratic form of government, but rather a stage in further totalitarian evolution, accentuating rationalist features present from the start and minimizing some of the irrational outbursts already noted. The prototypes of such a rationalist totalitarianism need not be sought only in Orwell's *1984*. They exist, in an embryonic stage, in our own industrial organizations and bureaucracies. If one could imagine the entire United States run like some executive department, with its myriad of minute, and often incomprehensible, regulations, routinized procedures, even sometimes arbitrariness of officials, one would be all the more inclined to be thankful that the rule of law (rooted in a traditional regard for the individual) and legislative fears of administrative expansion (a democratic "irrationalist" feature) act as a check.<sup>12</sup>

Totalitarianism and rationality, therefore, when viewed in a developmental perspective and not merely from a standpoint of a static definition pinpointing certain characteristics of a given epoch, are not necessarily incompatible. Ra-

<sup>12</sup> For another example, consider the political implications of Kafka's *Trial*.



tionality alone is hardly a sufficient condition for the inevitable growth of a democratic order. At different stages, totalitarianism can be characterized by a minimization of rationalist considerations (as in the thirties in the USSR), or by an increased emphasis on them. But it is as unlikely that totalitarianism can become fully rational as it is incorrect to claim that it has been essentially irrational in the past. Today, for instance, in the USSR the totalitarian system is operating in an environment where the need (as seen by the leadership) for unbridled violence, terror in its most open form, and unpredictability based on dictatorial whims seems no longer to be present or desirable. The population appears to be relatively pliant, the younger generation has absorbed a great deal of the indoctrination, resistance of an active kind is almost entirely absent. The domination of the party in the country, and of the leadership in the party, appears to be firmly established. If only the party could be satisfied with the status quo, a rationalist totalitarianism could possibly become reality.

But even then the problem of power would not disappear. Governmental rationality cannot go far beyond the realm of function and account for all human action. Basic drives for power are not likely to wane. And given the nature of the system, even if the Party declines and is supplanted ultimately by the bureaucracy (or merges with it), the total control of the system over those under it will not disappear even though its exercise will become more functionally rational. In such a system it is likely that the institutional controls will be utilized to maintain the existing interests of the ruling class, and social stratification will become even more marked as position, education, and even wealth become inheritable. The abyss between those wielding power and the masses will create a real ruling caste, which itself will be highly stratified in terms of the proximity of its members to the center of power. It will create too an entire non-political stratum of those who will be given a vested interest in the *status quo* by virtue of their utility to the system, such as the specialists, artists, military scientists, etc. In many respects such a system will more nearly resemble the Nazi-Fascist dictatorship than the earlier Stalinist model. This curiously dialectical consequence might deprive Soviet totalitarianism of its revolutionary essence while maintaining its institutional forms. The lesson of history is, however, that this does not necessarily spell the end of the system.

That appears to be, however, at best only a distant prospect. The tasks that face the totalitarians today in the captive nations in Europe, among the long dormant masses of China, in the rice paddies of northern Vietnam, or in the Malayan jungles, not to speak of the virgin lands, overgrown urban centers and ever-struggling collective farms in the USSR, are very difficult and likely to command all their energies for many years to come. Indeed, the commitments currently made by the present Soviet leaders indicate that the party is not satisfied with the *status quo*; hence the abandonment of large-scale drives, which involve in turn the maintenance of discipline, does not seem imminent even in the USSR, the most developed totalitarian system. These commitments are both domestic and international. Domestically, they suggest a three-pronged attack on the following goals: an increased emphasis on party zeal, especially

in terms of a reassertion of "Leninism" as defined by the present leadership; continued expansion of heavy industry with major goals set for 1960; further drives in the agricultural sector, including both reclamation projects and the diminution of private plots. On the international plane, briefly, the commitments made to China and the satellites, coupled to those now being made to the underdeveloped countries, will continue to be felt on the domestic scene through scarcities and insistence on maximum effort. At the same time, with Stalin dead and Stalinism impracticable without him, the new leadership is searching for a new basis for power both in the realm of ideological justification and practical measures. This already has meant the rejection of some of the vicious attributes of Stalinism as well as an attack on Stalin himself. This may involve in turn some unsettling consequences, as an accepted frame of reference is destroyed and old slogans and operational procedures fall by the wayside. Finally, the problem of succession, given the age bracket of the present leaders, cannot be dismissed as having been resolved entirely. From all of this, it might appear therefore that both internally and externally the likelihood of a *status quo* situation in the foreseeable future is doubtful. If so, the era of revolutionary totalitarianism may not yet be over.

## THE TWENTIETH C.P.S.U. CONGRESS: A STUDY IN CALCULATED MODERATION\*

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The world listened attentively while the Twentieth Congress of the Communist Party of the Soviet Union was in session in the spacious vaulted white and gold Great Hall of the Kremlin palace from February 14 to February 25, 1956. This was the first congress since the death of Stalin, and in the interim events had prompted some bewilderment and much speculation among interested observers everywhere. Specifically, outside spectators looked to the congress to illuminate the pattern underlying a series of developments between March, 1953, and February, 1956: the resignation of Georgi M. Malenkov as Premier; the ascendancy of First Secretary Nikita S. Khrushchev; Soviet assent to a peace treaty with Austria, politically "neutralizing" that country; Soviet withdrawal from bases in Porkkala, Finland, and Port Arthur; the visits of Khrushchev and Premier Nikolai A. Bulganin to India, Burma, and other countries; the announced reduction of Soviet military forces and military budget; the attempted *rapprochement* with Yugoslavia; initiation of an unprecedented Soviet economic offensive; and many other "unexpected," Soviet-instigated moves.

The congress proceedings constitute a source of information on current policy emphasis; but despite the fact that the party rules designate the congress as the "supreme" policy-making organ of the CPSU, it has no real "legislative" significance. At least in the past twenty-five years, the congress has in no case exercised control over the leadership except through prearranged and co-ordinated criticism (and "self-criticism") of technical shortcomings, nor has it instituted policy after debate and open compromise of views. Rather, speeches at the sessions occasionally indicate shifts in policy. Indeed, the Soviet leaders have tended to convoke the congress if and when they wished to prepare the country, and sometimes the world or parts of it, for a reorientation of approach or otherwise to publicize decisions of great portent. Thus the Nineteenth Congress in 1952 signified that Malenkov was Stalin's chosen "successor," and the Eighteenth Congress in 1939 issued a subtle warning that unless the Western powers stopped appeasing Hitler, the USSR might conclude a pact with Germany to insure its own security. As an institution, the congress dates back to 1898 when the so-called Congress of the Russian Social Democratic Workers Party assembled in Minsk. It typically convened annually after the 1917 revolution; but as Stalin eliminated one rival after another and his deification as the sole fountainhead of Marxist-Leninist wisdom progressed, there were longer intervals, though the party statute specified at least one congress every four years. Today, as under Stalin, the delegates perform the ritual of committee reports, debate sequences, and formal resolutions; but the principles and policies

\* [Editor's Note: Among its other merits, this paper may be read for evidence tending to confirm or deny Mr. Brzezinski's thesis in the preceding article.]

they "approve" have been worked out in advance. In eleven days, the Twentieth Congress sanctioned everything its "agents" on the Central Committee had done in a period of three years and four months; confirmed the whole body of present and future foreign and domestic policy, down to all the details, technical and nontechnical, of the Sixth Five-Year Plan (1956-1960); and heard about sixty separate but highly stylized "warm fraternal greetings" from the various communist parties. In the Great Hall, no tempers were lost and no one quibbled over points of procedure. Everything took place with perfect decorum, flawless discipline. For the governing élite, the congress is a propitious occasion to tell the Soviet people how many remarkable, farsighted moves have been and will be made in their behalf, to authenticate who or what is responsible for deficiencies, and to remind the world that Moscow stands for peace, democracy, brotherhood, and truth. All this the leaders did with the consummate skill of articulate and imaginative propagandists with a flair for realistic appraisal of the requirements of Soviet national security, the opportunities for the advance of "socialism" under prevailing world conditions, and the aspirations of a people long under the aegis of Stalinist regimentation. But as far as the rank-and-file delegates were concerned, the more things "changed" the more they remained the same. They were called together as always for dramatic background.

The number of delegates varies from congress to congress, depending upon the numerical strength of the party ranks and the representational formula applied. At the Twentieth Congress were 1,355 delegates with the right to vote, one for every 5,000 party members, and eighty-one with a "consultative" voice, one for every 5,000 party candidates. In comparison with the Nineteenth Congress, the voting delegates represented 2.7 times as many workers engaged directly in production, twice as many collective farmers, a much higher educational level (well over half had completed higher education), and a far greater proportion of the total in the over-fifty age-bracket.<sup>1</sup> The bias toward increasing overrepresentation of the administrative and technical bureaucracy so apparent at earlier congresses was countered, though these elements distinctly predominated. Fifty-five delegations of the "fraternal communist and workers parties" were also on hand, including most of the leaders with international reputations except those of the Yugoslav and American parties.

*"Collective Leadership" and the Second Death of Stalin.* Western interest in developments at the congress, aside from matters of foreign policy, centered upon the post-Stalin leadership pattern. On this subject, the Kremlin executed a spectacular turnabout perhaps more far-reaching in its implications than anything else said at the congress. Not only did the élite underscore the principle of "collective leadership," but also frontally attacked the "cult of the indi-

<sup>1</sup> Averkys B. Aristov, Report of the Credentials Commission to the 20th CPSU Congress (Feb. 16, 1958), *20th CPSU Congress Proceedings*, Part II (Department of State, Washington, D.C., 1956), pp. D-6 and D-10. This material, in three volumes, is the most complete record of the congress sessions presently available in English. It constitutes the chief source utilized in the preparation of this article. Subsequent citations appear as: *20th CPSU Congress Proceedings*.

vidual" (or the "cult of personality") using Stalinism as a critical point of departure. Rarely, however, were such allusions direct personal references. During the regular proceedings, Stalin was mentioned by name in only five instances. Khrushchev conveyed the impression that one-man rule is a matter of the regrettable past and that Soviet leadership today is not split into contending cliques but impersonally bound together by the "cause" to which it is morally dedicated: "The leading core of the party is not a group of men bound by personal relations of mutual advantage, but a working collective of leaders whose relations are based on ideas and principles permitting neither mutual forgiveness nor personal antagonism."<sup>2</sup> Admitting that under Stalin's tutelage, the central party organs had not met regularly nor dealt with important policy-making subjects, Khrushchev assured the congress that "the Presidium of the Central Committee has become a regularly acting collective body dealing with all the most important questions of the life of the party and country." In a thinly veiled reference to the quasi-religious nature of the Stalin myth, he asserted that the Central Committee "resolutely oppose(s) the cult of personality alien to the spirit of Marxism-Leninism, which turns one or another leader into a miracle-performing hero. . . ."<sup>3</sup> The concrete evils of the "cult" enumerated at the congress are a pointed commentary on the stringencies and effects of rigorous dictatorship. Mikhail A. Suslov, chief of the propaganda apparatus under Stalin, declared:

The theory and practice of the cult of personality . . . diminished the role of the popular masses and the role of the party; lowered collective leadership; undermined intra-party democracy; suppressed the activity of party members, their initiative, and independent work; led to lack of supervision, irresponsibility, and even to arbitrariness in the work of individual persons; hindered the development of criticism and self-criticism; and engendered a unilateral and sometimes even erroneous solution of problems.<sup>4</sup>

Suslov guaranteed that the spread of "dogmatism and parrot-learning" resulting from the "cult of personality" would be methodically counteracted.

Anastas I. Mikoyan, one of Stalin's closest associates, delivered the most outspoken, stinging rebuke of the Stalinist style of leadership. He criticized the previously sacred theoretical content of Stalin's last major economic analysis of capitalism, published on the eve of the Nineteenth Congress: "In analyzing the state of the economy in contemporary capitalism, it is doubtful that we can be helped by—and it is doubtful if it is correct—Stalin's well-known dictum in 'The Economic Problems of Socialism in the USSR' . . . ." Moreover, he intimated that party histories would be revised to expunge deliberate distortions: ". . . Up to quite recently, we have had books . . . which were current and were even regarded as an unchallenged yardstick in which facts were falsified. Some persons were arbitrarily exalted in them, others got no mention at all."

<sup>2</sup> Nikita S. Khrushchev, Report of the Central Committee to the 20th CPSU Congress (Feb. 14, 1956), *ibid.*, Part I, p. A-94.

<sup>3</sup> Both quotations *ibid.*, Part I, p. A-96.

<sup>4</sup> Mikhail A. Suslov, Speech at 20th CPSU Congress (Feb. 16, 1956), *ibid.*, Part I, p. C-10.

Referring to Stalin's device of dispensing retroactive "justice" to fortify his own power position, Mikoyan condemned the former dictator by deploring "... alleged sabotage on the part of some of the party leaders of (the civil war period) who were wrongly declared to have been enemies of the people many years after the events described had taken place." Mikoyan ended his dissection by sneering at the famous "Oath to Lenin," a pseudo-religious piece of sentimental oratory by Stalin at Lenin's funeral in 1924. This "oath," memorized by Soviet school children for years in a form resembling prayer, was caustically alluded to in these terms: "How great would be Lenin's joy if he now, . . . could see that we not only swear by Lenin's name but are exerting our efforts to put into practice Lenin's ideas and are fulfilling his behests reverently." Mikoyan's comments were doubly barbed because they were accompanied by an insinuation directed at Lenin's renowned "last will and testament" which Stalin had suppressed. Mikoyan reminded the congress of "Lenin's great anxiety about the fate of our party . . . before he left us."<sup>5</sup> In his testament, Lenin questioned the power which Stalin had accumulated and expressed misgivings concerning his discretion in using it. Then in a postscript, Lenin wrote:

Stalin is too rude and this fault becomes unbearable in the Office of General Secretary. Therefore I propose to the comrades to find a way to remove Stalin from that position and appoint to it another man, more patient, more loyal, more polite and more attentive to comrades, less captious, and so forth.<sup>6</sup>

On June 30, Lenin's "testament" was finally published in the magazine *Kommunist* for the enlightenment of the Soviet people. It was accompanied by the most candid public criticism of Stalin up to that time. Other documentary material long buried in the Kremlin archives will no doubt be similarly publicized sooner or later. The man who spoke so contemptuously at the congress was the same Mikoyan who remarked at the Nineteenth Congress that the old dictator "... enlightens with the bright flame of Stalinist genius the road forward to a more brilliant communist future."

Actually, much of the luster had been rubbed from the idol for some time before the congress delegates assembled. Within a month after Stalin's death, his name had virtually disappeared from the Soviet press. Then, in the early summer of 1953 the "Kremlin doctors' plot" (primarily a "conspiracy" of Jewish physicians) against the lives of high leaders was re-evaluated as a "concoction of false allegations" by the police in general and Lavrenti P. Beria in particular. This was the onset of the exposé of the complicated plots and intrigue characteristic of the Stalinist régime, now no longer a matter of conjecture, since the same men who participated in them have candidly acknowledged that they were "unwillingly" entangled in the system. A third pre-congress development was the freeing of a few surviving Old Bolshevik leaders from their long imprisonment, while the authorities set about ameliorating conditions in "forced labor camps" generally. Hence before the congress, an

<sup>5</sup> All foregoing quotations from Anastas I. Mikoyan, Speech at 20th CPSU Congress (Feb. 16, 1956), *ibid.*, Part I, pp. D-22, D-25, D-26, and D-28.

<sup>6</sup> Quoted by Harrison Salisbury in *New York Times*, Feb. 24, 1956, p. 4.

anti-Stalin operation was underway, but observers did not suspect that the assault would be pressed to an all but open refutation of some of the most fundamental precepts of Stalinism.

In the weeks following the congress, it became increasingly evident that only the opening round had been fired in the bombardment of Stalinism. Apparently the leaders decided when Stalin died to unfold their repudiation gradually, aware that poor timing might incite elements of the population conditioned by every medium of mass persuasion for more than two decades to revere him as the symbol and infallible guiding hand of Soviet society. Thus, nearly three years elapsed before the élite revealed how far they intended to go. About two weeks after the congress, Moscow confirmed persistent rumors that Khrushchev had delivered a three-hour address on February 24 to a *closed session* of the congress in which he presented a detailed indictment. The principal charges, in the form of a congress resolution read to mass meetings of party members all over the USSR, were: Stalin terrorized his colleagues so thoroughly that, as Khrushchev put it, "we never knew when we entered Stalin's presence whether we would come out alive"; by liquidating several top army men on false charges during the purges of 1937-1938, he decreased the overall caliber of military leadership and demoralized the army at the threshold of imminent German aggression; he was a blunderer who immodestly thought of his nonaggression pact with Hitler in 1939 as a personal diplomatic triumph, and failed to have the Soviet forces properly deployed to resist German invasion despite clear and repeated warnings that an attack was being prepared; and, especially in later life, Stalin was obsessed with phobias that led him to distrust and scheme against even his most intimate confreres. The gravest recriminations were not simultaneously made known to the general population, though in time all the particulars will undoubtedly be brought before the public. But verbal reports of Khrushchev's sensational document spread anyway, touching off protest demonstrations in March in Tiflis, the capital of Stalin's (and Beria's) native Georgia. At their peak, the demonstrations reportedly were joined by "many thousands" of residents led by students at Tiflis university. The outburst was forcibly crushed with a toll of about one hundred deaths. Other imputations against Stalin included: expostulation against "the vicious method of administration by mere injunction" and "such ugly practices as the concealing of shortcomings"; an allegation that Stalin, contrary to the official explanation attributing her death to suicide, murdered his second wife, Nadezhda (Nadia) Alliluyeva, in a paroxysm of rage in November, 1932; an ostensible "request" by Stalin's family that he be buried beside Nadia in Moscow's Novo Deviche cemetery (the excuse the leaders must be seeking to remove his body from its place of honor next to Lenin in the hallowed mausoleum in Red Square); and censure of the old dictator for making "grievous errors" of procedure during the drive for the collectivization of agriculture in the early 1930's as well as for ex-

<sup>7</sup> Quoted in *New York Times*, March 18, 1956, Sect. 4, p. 2. See the purported full text of his "confidential" speech, *ibid.*, June 5, 1956, pp. 13-16.

pling Yugoslavia from the Cominform in 1948.<sup>8</sup> Only a régime confident of its hold on the reins of power would dare explode a myth in such a manner; but then, those who toppled the image once worked just as assiduously to emblazon it. That is the way of dictatorship—thorough doing often necessitates thorough undoing.

What the stress on “collective leadership” and anti-Stalinism means is fairly obvious. Above all, the leaders “disproved” certain maxims and classified some things Stalin did as malpractices for pragmatic reasons. *They desire maximum flexibility for their own notions of internal and external expediency.* In “emancipating” themselves from some of the more dogmatic aspects of Stalinism and from the more rigid mechanisms of the old régime to gain freedom of action, the current leaders have the logic of objective circumstances uppermost in mind. Their reactions to the excesses of Stalinism are not those of shocked and sensitive humanitarians, for they have not disowned the efficacy of secret police methods as such, nor did they hesitate to use the same techniques of repression in disposing of Beria (however justifiably) or in breaking up the Georgian pro-Stalin demonstrations that they once employed in the service of Stalinism. However, a dictatorship requires a source of clairvoyance, an emotional comfort for the faithful at the core of their secular religion, which in this case might take Stalin’s place. The answer provided by the Twentieth Congress is Lenin who presently enjoys primacy in the pantheon of neoMarxist deities. If the speeches at the congress were taken literally, it would seem that Lenin had never ceased to be “correct” and that Stalin wilfully perverted canonical Leninism, necessitating his excommunication. Soviet monotheism has been continued, but with a god removed from the realm of temporal authority. Their sole aim, so the current leaders sermonize, is to be about the master’s business: “Lenin’s spirit and Leninism permeate our entire work, all our decisions, as if Lenin were living and among us.”<sup>9</sup> Tangible works must follow re-conversion to the one true creed, and in the process, the Soviet people will likely be governed in the immediate future more temperately than in nearly three decades. Probably Stalin will get credit in the forthcoming textual revisions only for his part in the revolution and civil war, his leadership during the few years between Lenin’s death and the destruction of his rivals, and his emphasis on priority for heavy industry.

Genuine “collective leadership,” however, is more than mere spiritual incantation. Khrushchev’s status at the congress suggests that even if he is not in absolute control in the Stalinist sense, undeniably there is no one who outranks him, nor is anyone else in so favorable a position to succeed in accumulating supreme power should he try to do so later. In making the keynote address, in which he systematically set forth a doctrine with a partly new, malleable framework, Khrushchev placed himself, wittingly or unwittingly, in the role of bidding for recognition as the ideological heir of Stalin and chief interpreter of

<sup>8</sup> *Pravda*, March 28, 1956; *New York Times*, April 1, 1956; *Pravda*, April 7, 1956; and *New York Times*, June 5, 1956.

<sup>9</sup> Mikoyan, *20th CPSU Congress Proceedings*, Part I, p. D-27.



Lenin. Most analysts are agreed that the First Secretary displayed expansive but not overbearing confidence in this guise. As Welles Hangen of the *New York Times* described it: "Khrushchev . . . addressed the 20th Congress . . . with the assurance of a successful corporation director reporting to a stockholders' meeting."<sup>10</sup> Events justify such assurance. Since Stalin's death, Khrushchev saw Beria executed and Malenkov demoted. These were the men who might have contested his position as First Secretary which he assumed in September, 1953. Furthermore, the internal control mechanisms of the party and the highly bureaucratized power structure of Soviet society generally encourage the rise of a single leader. Stalin achieved supremacy by virtue of his post as General Secretary, from which vantage point he played off potential competitors against each other until he had disposed of all of them and established his claim to absolute doctrinal succession as well. An ambitious man adept in intrigue can surge to the top simply by using the existing apparatus. Khrushchev's affirmation that the present leadership is "not bound by personal relations of mutual advantage" nor distinguished by "personal antagonism" runs against the grain of Soviet history. The régime's incessant struggles for power, resulting in countless political exiles and liquidations, are testimony to the fact that "personal advantage" (if life itself is a "personal advantage") is precisely the lever by which the dictatorship has habitually operated. *"Collective leadership" may therefore be partly an expedient "gentleman's agreement" among the top leaders aimed at reciprocal self-preservation.* The execution of powerful police-chief Beria, who was in a favorable position to arrogate exclusive power to himself, and the subsequent "reform" of the organization and procedure of the police establishments, support such a conclusion. Much tribute was paid at the congress to "decentralization" of both party and government responsibility but there is no evidence that the *power* edifice has been altered. In addition, irrespective of the many references at the congress to proper regard for "socialist legality," the rule of law has never been adhered to in practice. The élite, at least, have always been above the law, following Lenin's axiom that "law is politics," that law, like all other institutionalized arrangements, can never be interpreted as superior to the "needs" of the dictatorship. The leaders, of course, define those "needs" as they go. The USSR is still governed in the final analysis by executive decree. The prestige and overall authority of the police are more limited today than for many years, but the Ministry of Internal Affairs and the Committee of State Security are very useful to the oligarchy. The men at the apex of a steep power pyramid require secret police because a régime impervious to any limitations other than its own sense of restraint cannot govern permanently without it.

Nevertheless, there is increased tolerance toward deviation and dissent. During the congress, Khrushchev and other leaders attended a recently revived play by Nikolai Pogodin, despite the fact that *Pravda* had severely criticized the author. Such a thing would have been inconceivable in Stalin's day. How long the comparatively relaxed atmosphere will last is conjectural—probably

<sup>10</sup> *New York Times*, Feb. 15, 1956, p. 1.

until another inflexible dogma is developed by one man able to insulate himself as the center and the symbol of the power structure. One unique feature of the Twentieth Congress was the tendency to praise the whole "Leninist" Central Committee rather than to glorify any existing leader. Apparently in the foreseeable future the dictatorship will be more subtle, less personalized, and perhaps more difficult to assess realistically than in the past. The leaders have gone to considerable lengths since the congress to convince Western diplomats that full and free discussion of all issues is the *modus operandi* of the Central Committee. They have iterated and reiterated that "dissent" is permitted, that all dissenting opinions are recorded so that if a "majority decision" later turns out to be incorrect, the dissenters cannot be blamed for the error, and that experts in appropriate fields are consulted before decisions are made. It is probably true that the Central Committee is now a more genuine forum for the expression of opinion than the USSR has known in at least two decades, and to this extent a "democracy of the élite" may well exist. However, it must also be concluded that: (1) there is still an interlocking oligarchy astride both party and government hierarchies; (2) there is no evidence that *public* debate of *policy* is any more widespread than under Stalin; and (3) major policies are still formulated in traditional oligarchical, if not personal, fashion. With respect to Khrushchev, the judgment of the Department of State seems most substantiated: that there are no conclusive reasons for assuming he has won the race for succession, but that certainly he is top candidate.<sup>11</sup> The vital question is whether a thoroughly bureaucratized, dogmatized totalitarian system, whatever the avowed intentions of its leaders, can really afford the luxury of genuine "collective leadership."

*The Stars in the Soviet Firmament.* The membership of the Central Committee, ostensibly the highest policy-making organ of the party between congresses, was expanded from 125 to 133 on February 25, including fifty-three persons elected to that body for the first time. Seventy-six of the 122 candidate members were replaced. Most of those who were dropped were simply victims of recent changes in party and government organization in the provinces. Among the new full members, reflecting the shakeup of the police, are Colonel-General Ivan A. Serov, chairman of the Committee of State Security, and Nikolai P. Dudorov, newly appointed Minister of Internal Affairs. Prominent among those dropped were Sergei N. Kruglov, who had been removed as Minister of Internal Affairs in January, 1956, and Admiral N. G. Kuznetsov, chief of staff of the Soviet navy (until he was also relieved of that post in April, 1956, because of "illness"). The navy is now represented only by a few officers still serving as candidates. A total of ten military men were dropped from the Central Committee and its candidate membership, while only four new officers were elected. Not a single naval officer and only a few army leaders spoke during the congress sessions. Clearly, the military is not especially close to the center of political power in this totalitarian system, as it is in most others.

Two days after the congress ended, the freshly elected Central Committee

<sup>11</sup> *New York Times*, Feb. 16, 1956, p. 3.

announced the personnel it had chosen to fill the all-important positions on its Presidium and Secretariat. The eleven members of the Presidium, the real locus of power charged with making policy between plenary sessions of the Central Committee, were re-elected without change: Bulganin, Kliment E. Voroshilov, Lazar M. Kaganovich, Alexei I. Kirichenko, Malenkov, Mikoyan, Vyacheslav M. Molotov, Mikhail G. Pervukhin, Maxim Z. Saburov, Suslov, and Khrushchev. Also elected were six alternate members of the Presidium; and it was on this second level of party power that the most drastic reshuffling occurred. Three of the four alternates chosen on the day after Stalin's death were not retained, meaning that five of the six present alternates are newcomers to the select circle. In the order in which they were announced, the alternates are: Marshal Georgi K. Zhukov, the first professional military man to ascend to the top bracket; Leonid I. Brezhnev, chief of the party organization in the Kazakh SSR and one of the key men in the recently instituted program for development of virgin and idle lands east of the Urals; Nikolai A. Mukhitdinov, party leader and former Premier of the Uzbek SSR, another focal area in the drive to increase agricultural output; Dmitri T. Shepilov, editor of *Pravda* and a leading party theorist who replaced Molotov in the Ministry of Foreign Affairs on June 1, 1956; Ekaterina A. Furtseva, rapidly rising First Secretary of the Moscow party organization, who is the first woman to be elevated to the highest echelon; and Nikolai M. Shvernik, titular chief of state until Voroshilov replaced him and current head of both the All-Union Central Council of Trade Unions and the Party Control Commission, who was the only alternate to be re-elected. The roster of the eight-member Secretariat, the executive arm of the all-union party apparatus, reveals the names of Khrushchev, Brezhnev, Suslov, Furtseva, and Shepilov, all of whom are also either full or alternate Presidium members. The other three secretaries, who were re-elected, are Averky B. Aristov, Nikolai A. Belyayev, and Pyotr N. Pospelov. The radical changes in the Presidium's alternate membership and in the candidate membership of the Central Committee reflect the apparent desire of the "collective leadership" at the pinnacle to build a strong, relatively youthful organization dedicated to the "new" policies.

The men whose prestige suffered most, though they were not officially demoted, were Molotov and Malenkov, the latter now Minister of Electric Power Stations. Molotov had engaged in "self-criticism" and confessed he had been at fault in telling the Supreme Soviet in 1955 that only the "basis" of socialism had been built in the USSR. He also admitted to being "the captive of habits and conventions created before World War II" and to "shortcomings manifest in the work of the Ministry of Foreign Affairs, which fact our party Central Committee pointed out in time."<sup>12</sup> At the congress, Mikoyan referred to past foreign policy as "ossified" and implied that the "collective leadership" had taken over active direction of foreign affairs. When Shepilov was appointed Foreign Minister in June, Mikoyan's hint was substantiated, though Molotov

<sup>12</sup> Vyacheslav M. Molotov, Speech at 20th CPSU Congress (Feb. 18, 1956), *20th CPSU Congress Proceedings*, Part I, p. G-10.

remained a member of the Presidium—distinctly a more important post than that of Foreign Minister. While Malenkov was Premier, March 6, 1953, to February 8, 1955, he evidently attempted to expand consumer goods industries at a faster rate than tradition or expediency dictated, resulting in his “resignation.” At the congress, however, Malenkov paid his respects to heavy industry and lauded the “Leninist” principle of revealing mistakes, “no matter by whom they were made.”<sup>13</sup> Doubtless a capable man who convinced observers during his visit to Britain in April, 1956, that a comeback is likely, Malenkov is one of the few leaders in Soviet history to fall from the summit yet remain in the party’s central power nucleus.

In addition to Khrushchev, those who emerged from the events surrounding the congress on a higher plane of prestige were Mikoyan who presided over the deflation of the Stalinist hero-figure; Shepilov who delivered a withering attack on “Western imperialism”; and last but far from least, Marshal Zhukov. Zhukov’s personal acquaintance with President Eisenhower, his elevation to alternate Presidium status, and his post as Defense Minister of the Soviet government suggest that in any future correspondence or any future meetings with the President, Zhukov would be able to speak and act with authority.<sup>14</sup> It is no mere coincidence that Zhukov was listed first among the six alternates, implying that he is subordinate only to the eleven full members. This probability is reinforced by the fact that the other party bodies were listed in strict alphabetical order, except that Khrushchev, as First Secretary, appeared at the top of the Secretariat roster. As the conqueror of Berlin, Zhukov was so popular at the end of the war that Stalin assigned him to inconsequential posts, beginning in 1946, and kept the marshal in official obscurity. Zhukov’s rise in less than three years increases his already considerable popular stature as well as the prestige of Red Army leadership generally. His promotion also fits into the pattern of “rewriting history” to delete falsified “treason” charges against several military leaders, including Marshal Tukhachevsky, who were executed during the purges of 1937–1938. The other four new alternates are comparatively unknown figures closely associated with Khrushchev in the past. Their promotion is additional evidence of his primacy in the “collective leadership.”

*Party Organizational and Ideological Tasks.* Khrushchev announced at the congress that party membership on February 1, 1956, was 7,215,505, including 6,795,896 full members and 419,609 candidates.<sup>15</sup> This is the largest roster in the history of the CPSU, about three times the number of members after the purges of the late 1930’s and 333,360 more than at the time of the Nineteenth Congress, an increase since October, 1952, of about five per cent.<sup>16</sup>

The leaders emphatically asserted that party work falls short of desired standards in several important respects. In accordance with the Leninist dictum

<sup>13</sup> Georgi M. Malenkov, Speech at 20th CPSU Congress (Feb. 17, 1956), *ibid.*, Part I, p. E-3.

<sup>14</sup> Cf. Harry Schwartz’ article in *New York Times*, Feb. 28, 1956, p. 7.

<sup>15</sup> *20th CPSU Congress Proceedings*, Part I, p. A-93.

<sup>16</sup> Figures by Aristov, *ibid.*, Part II, p. D-6.

that quality of personnel and performance is much preferable to sheer numbers, the congress' final Resolution stated:

Following the principle that the main thing is not the numerical growth but the improvement of the quality of the party ranks, the congress instructs party organizations to intensify their care for the individual selection for party membership of leading personalities, primarily from among workers and collective farmers.<sup>17</sup>

For many years, as the régime sought to solve the organizational and technological problems connected with fulfillment of the successive five-year plans, the trend was progressively toward a preponderance of party members belonging to the élite administrative and technical class. The leaders have openly lamented this situation for some time. The congress speakers stressed the need to recruit many more women, young people, and ordinary workers and farmers; to pay more attention to the training of cadres; to show more inclination to promote younger members; and to distribute party personnel more rationally among the various economic and cultural sectors of Soviet society. It is not unknown in this country either, when the trend of behavior runs counter to official doctrine, to repeat the doctrine more vehemently as practice diverges further from it. In tune with the desire to inject new blood and more economically productive elements into the party, the leaders voiced the complaint again and again that too many members devote themselves excessively to "paper work," resulting in cumbersome "bureaucratic formalism" and abstract theorizing at the expense of working acquaintance with concrete economic subjects and problems. "A communist has no right to be an onlooker," Khrushchev philosophized.<sup>18</sup> Members must study technology, agronomy, and production.

To achieve "closer ties with the masses," the congress was told, the party would continue its practice of increasing the number of primary party organizations (i.e., party groups in factories, collective farms, Machine Tractor Stations, and the like). Aristov informed the delegates that the total number of primary party organizations is now about 350,000, with the increase since 1952 concentrating upon collective farms. However, he complained, out of a current total of 80,015 primary party organizations on collectives, there are still 7,356 farms on which no party organizations exist and 10,850 with no more than three to five communists.<sup>19</sup> The party's avowed efforts to secure a firmer footing in rural areas is directly related to the comprehensive plan to raise farm output sharply in the next few years. Khrushchev pointed out that the "biggest defect" in party organization is at the local level, but especially in the countryside. Evidently hoping to stimulate more efficient use of local resources and to reduce "bureaucratism" at the center, he also called upon the "weak" *rayon* (district) organizations of both the party and the government to improve their work, taking particular care to implement directives from above more conscientiously. In a move designed to invigorate the local party organs, the party statute was

<sup>17</sup> Resolution of 20th CPSU Congress (Feb. 24, 1956), *ibid.*, Part III, p. I-16.

<sup>18</sup> *Ibid.*, Part I, p. A-98.

<sup>19</sup> Figures *ibid.*, Part II, pp. D-8 and D-9.

amended on February 24 to regularize the convening of *krai* (territorial), *oblast* (regional), and *rayon* conferences and committee sessions. The concern for party performance at the lower echelons coincides with the recent "decentralization" policies instituted by the Soviet government. More than 11,000 industrial enterprises in the past two years have been turned over to the ministries of the union-republics by the all-union ministries. For example, the Azerbaijan SSR now has its own Ministry for Oil; the Kazakh SSR, a new Ministry for Metallurgy; and so on. Decentralization has also been proceeding on an unprecedented scale in other sectors. Theaters may select their own repertoires without detailed supervision by the Ministry of Culture of the USSR. State and collective farms are now allowed to recommend, and in some cases to decide for themselves, the types of crops they are best equipped to grow. Whether decentralization of initiative and authority can be more than nominal in a political system presided over by a totalitarian oligarchy, however, is open to question. For many years the union-republics have had the formal "right" of secession, while foreign and military affairs have been their constitutional prerogatives; but in practice these apparent concessions to "decentralization" have been meaningless. On the other hand, not all recent moves in the direction of "decentralization" should be equally evaluated as entirely shadow and no substance. Certainly some secondary technical decision-making might be and has been surrendered to local initiative, and in the process the relative importance of certain government and party organs has increased accordingly. Yet the comprehensive system of planning, as well as other monolithic features of the Soviet environment, make a large degree of centralized policy-making mandatory. Besides, in any system, decentralization of *authority* is not necessarily identical with decentralization of *power*.

A dictatorship may be expected to make life more bearable when it is asking its people to exert maximum effort to fulfill the goals of an ambitious five-year plan as well as to forget the "mistakes" of a painful past. Here is much of the rationale for the plea for "socialist legality," gestures toward individual and local "initiative," and condemnation of the harsher features of the Stalin era. Though Stalin's basic emphasis on heavy industry and collectivized agriculture has not been discarded, the present leaders seem more disposed than Stalin was to grant substantial concessions to the Soviet people at the same time. The "collective leadership" needs demonstrable "proof" that it is not a draconian régime callous toward human requirements like that of the predecessor from whom it strives to dissociate itself. The specific incentives announced at the congress and the provisions of the Sixth Five-Year Plan<sup>20</sup> embrace, among other things: (1) transition to the seven-hour day (42 hour week) in some branches of the economy, beginning in 1957, and in other branches to the five-day week with an eight-hour working day; (2) introduction of the six-hour day for adoles-

<sup>20</sup> Only the major "calculated moderation" aspects of Soviet policy as reflected in the Sixth Five-Year Plan are relevant to the purposes of this article. Much of the discussion at the congress dealt with specialized economic subjects too technical or detailed for adequate analysis here.

cent workers between sixteen and eighteen and reinstitution of the same hours for all persons employed in underground mining; (3) reduction of the work-day on the eves of holidays by two hours; (4) "radical" improvement of old-age and disability pensions, and extension of paid maternity leave; (5) abolition in the fall of 1956 of tuition fees now charged for attendance at any existing educational institution; and (6) an increase in real wages and salaries during the plan period of thirty per cent above the level attained in 1955 (forty per cent in the case of collective farmers).<sup>21</sup> With comparative ease, a dictatorship swiftly shifts back and forth between the stick and the carrot. If actually consumed, the carrot is temporarily nutritious, but it may be withdrawn as suddenly as it was bestowed. Simply because the Soviet régime is a dictatorship, "collective leadership," "decentralization," and conciliation are just as compulsory as hero-worship, centralization, and immoderation once were.

*Soviet Foreign Policy and World Communism.* The major premise of the Kremlin's current foreign policy orientation is "peaceful coexistence." The official attitude of relatively calm assurance that means and conditions exist for realization of impressive economic and social objectives at home while Soviet influence is prudently augmented abroad pervades both the internal and the external approaches. Policies of calculated moderation in both spheres are designed to complement each other. The USSR no doubt wants "peace" in the immediate future to gain a breathing spell for further development of physical and moral prowess, while domestic policy must simultaneously "prove" that the party has the needs of its citizens at heart and validate the "superiority" of the Soviet system.

In reality, the official creed of "peace" is not a Khrushchevist invention. During the revolution and civil war period, Lenin emphasized that the then shaky Soviets should seek peace at any cost, in deference to the imperative need for consolidation of internal control and economic construction. To Lenin, "peaceful coexistence" was a short-run tactic applicable only until the Bolsheviks had digested their victory in Russia; hence he did not foresee any possibility of permanent or even long-range accommodation between the capitalist world and the USSR: "As long as capitalism and socialism exist, we cannot live in peace; in the end one or the other will triumph—a funeral dirge will be sung either over the Soviet Republic or over world capitalism."<sup>22</sup> Stalin, too, often stated that the USSR and "capitalism" could not long avoid a violent clash. But in the 1930's, when Moscow backed "popular front" governments in Western Europe as counterpoise against resurgent Germany, Stalin also enunciated the "peaceful coexistence" line. Indeed, whenever the leaders assigned the country tasks involving "sacrifice" for national security or drastic social measures likely to be temporarily debilitating, they have talked about "peaceful coexistence." With the need to repair extensive war damage after 1944 and to

<sup>21</sup> Nikolai A. Bulganin, Report on the Draft Directives of the Sixth Five-Year Plan to the 20th CPSU Congress (Feb. 21, 1956), *20th CPSU Congress Proceedings*, Part I, pp. J-43, J-44; Khrushchev, *ibid.*, Part I, p. A-75.

<sup>22</sup> V. I. Lenin, *Selected Works*, vol. 8 (New York, 1943), p. 297.

solidify wartime gains in face of increasing counterpressure by the Western powers, the leaders again expressed the formula, as this comment in an official publication appearing in 1952 typically illustrates: "The Lenin-Stalin foreign policy of the USSR proceeds from recognition of the fact that the two social systems . . . will inevitably coexist for a considerable historical period, and that coöperation between them is both possible and desirable."<sup>23</sup> Thus circumstances putting the USSR at a disadvantage literally forced "peace" upon Moscow, in a large sense whether the leaders liked it or not. "Peace" out of regard for self-preservation is evidence of a "basic principle" of policy only so long as the need continues.

There is a major difference, however, between the Twentieth Congress' formulation of "peaceful coexistence" and previous versions of the subject. The congress set forth in unusually concrete detail what the concept means under "present conditions." For example, Stalin never fully retreated from the view that in every capitalist society, there comes a time when the "inexorable" historical process gives way to sheer violence. "The spontaneous process of development yields place to the conscious actions of men, peaceful development to violent upheaval, evolution to revolution."<sup>24</sup> But the congress took a much broader view of "peaceful coexistence." It related its words to a whole chain of conciliatory *actions*, disavowed revolutionary violence as a universal phenomenon, and reserved force for certain capitalist countries under given conditions only. "It is not true," said Khrushchev, "that we regard violence and civil war as the *only way* to remake society."<sup>25</sup> Whether violence occurs or not will depend on what the most recalcitrant "exploiters," supported by the "repressive organs" of the bourgeois state apparatus, themselves do in a particular country, rather than on the deliberate provocation of the "proletariat." This modified stand may pose a question for the American courts. In prosecuting communists, the United States government has based its case largely upon the fact that communists, by their whole ideological outlook, inalterably seek the "violent overthrow" of existing governmental institutions. Is it possible that the prosecution's quotations from Marx, Lenin, or Stalin in the future will be countered by the defense with quotations from Khrushchev and Bulganin? Conceivably, the Kremlin may have some such thing in mind.

The reformulation of the credo of violence rests squarely on the notion that "tension" in contemporary international relations has lately been replaced by a "certain relaxation." The decisive reason for this is said to be the emergence of "a group of peace-loving European and Asian states which have proclaimed non-participation in blocs as a principle of their foreign policy."<sup>26</sup> The final Resolution of the congress grouped these states in the "peace-loving" category: India, Burma, Afghanistan, Egypt, Syria, Indonesia, Finland, Austria, and

<sup>23</sup> I. Kirilin, "Lenin and Stalin on the Coexistence of the Two Systems," *USSR Information Bulletin*, vol. 12 (Feb. 11, 1952), p. 82.

<sup>24</sup> J. V. Stalin, *Dialectical and Historical Materialism* (New York, 1940), p. 44.

<sup>25</sup> *80th CPSU Congress Proceedings*, Part I, p. A-31. Italics added.

<sup>26</sup> Khrushchev, *ibid.*, Part I, p. A-13.



Sweden, all of which are either former Asian colonial areas or else so-called "neutralist" states of Europe. The "zone of peace" consists of both "socialist" and "nonsocialist" states. By "socialist" states, the Soviet leaders mean those belonging to the Soviet bloc, including China, North Korea, North Vietnam, Mongolia and East Germany, with which "fraternal" relations are to be "strengthened." Yugoslavia was not called "fraternal," though it was classified as a "socialist" state populated by "fraternal peoples" with whom "friendship and coöperation" should be "developed."<sup>27</sup>

In addition to the ever widening "zone of peace" geographically speaking, there are "many other sections of society," chiefly Socialists and other "workers parties" in several countries, which also belong to the "forces upholding peace." The First Secretary discovered "increasing real opportunities" for collaboration between communists and "other segments of the working class" in the interests of forming a united front against war. When "fighting" for peace, said he, doctrinal disagreement within the "working class movement" should be shelved. Cordial references were made to the Socialist parties abroad, invariably labeled in the past decade as "lackeys of American imperialism" and typically for decades as "jabbering reformists." The Kremlin has invited the Socialist parties in Western Europe to dispatch visiting delegations to the USSR. After the French Socialists consented during the winter to pay their respects in May, 1956, the French communists initiated a campaign for a "popular front" government.

Therefore, while "socialism" became a truly "world system," the aggregate "forces for peace" have been expanding too. Such a concept required reinterpretation of the Leninist precept that wars are inevitable as long as "imperialism" exists. Khrushchev theorized that the "inevitability" principle was valid when "imperialism was an all-embracing world system" and the "social and political forces which did not want war were weak," but that presently the "world camp of socialism" is a powerful bastion possessing "not only the moral but also the material means to prevent aggression."<sup>28</sup> In assuming this position, Khrushchev relegated Stalin's already diluted theses of "capitalist encirclement" and "socialism in one country" to historical significance only, to a time when the USSR was a beleaguered island in a hostile capitalist sea. Especially since World War II, Stalinism tended to mean that *any* state outside the "socialist camp," no matter how weak it was or how vocal against insidious "Western imperialism," represented a "threat" to Soviet security. With few exceptions, any state not directly responsive to Soviet control was simply consigned to "the other side." Hence postwar Stalinism generally saw a dichotomous split between the "imperialist camp" and its "lackeys" on the one hand and the "socialist camp" on the other. The latter camp was awarded a monopoly on "upholding peace." Clearly, Stalin's approach is currently considered outmoded, too rigid and too crude to fit "conditions." Mikoyan described the

<sup>27</sup> See summary of basic foreign policy tasks in Resolution of 20th CPSU Congress, *ibid.*, Part III, pp. I-7 and I-8.

<sup>28</sup> *Ibid.*, Part I, p. A-29.

"new" outlook as "a fresh course, . . . a policy of high principles, active and elastic, maintained on a calm level, without abuse. . . ."<sup>29</sup> Though Stalin himself had virtually reached some of the same conclusions by the time of the Nineteenth Congress in 1952, naturally he is not going to be credited with acumen.

During the months following the congress, the technique of trying to win the sympathy and coöperation of the Socialists became the Kremlin's dominant policy in Western Europe. On March 31, *Pravda* issued a glowing appeal to the Socialists for "friendly collaboration" on all questions bearing upon relaxation of world tension, prohibition of atomic weapons, and establishment of a "genuine" all-European collective security system. The CPSU previously encouraged "popular fronts," not only in Western Europe in the 1930's but also in Eastern Europe at the close of World War II for the purpose of building the satellite empire which ultimately resulted.

Nowadays, however, a more ramified strategy underlies Moscow's coöperative bids. Khrushchev indicated that former colonial areas would be safe in investing their *economic* future with the USSR rather than relying on the assistance of their erstwhile "exploiters." Following the argument used when Soviet delegations appealed on the spot to India, Burma, and Afghanistan, Khrushchev told the congress: "These countries, although they do not belong to the socialist world system, can draw on its achievements to build up an independent national economy and to raise the living standards of their peoples. Today they need not go begging . . . to their former oppressors."<sup>30</sup> Khrushchev has astutely manipulated, to Soviet advantage, the almost obsessive introversion of many newly independent peoples who fear foreign exploitation and suspect that outright gifts are always given with ulterior motives. He assured and reassured them that Soviet offers are not contingent upon participation in "military blocs," that the USSR does not intend to turn underdeveloped countries into "agrarian raw material appendages," and that Soviet aid would not stimulate a feverish arms race nor burdensome taxation.<sup>31</sup> The Kremlin's economic counter-offensive, designed in part to show American assistance in its "true light," and incessant hammering on the "peace" theme have had an adverse effect on American relations with some Asian governments. John Sherman Cooper, United States ambassador in New Delhi, admitted in February that relations with India had deteriorated. Though they have subsequently improved somewhat, public opinion polls have revealed that many Indians believe the United States threatens peace, while few think the real danger lies in Moscow. Before the congress, the Soviet leaders reversed the Stalinist refusal to give anything to anyone and contributed for the first time to the United Nations technical assistance program. They then offered aid in the form of loans or barter trade to India, Indonesia, Burma, Afghanistan, Egypt, Syria, Lebanon, Saudi Arabia, Liberia, Latin America, Iran and Pakistan (with the implicit proviso that the

<sup>29</sup> *Ibid.*, Part I, p. D-8.

<sup>30</sup> *Ibid.*, Part I, p. A-17.

<sup>31</sup> *Ibid.*, Part I, pp. A-17 and A-18.

last-named state give up its affiliation with the Baghdad pact powers). Egypt and Burma have made it clear that Soviet agreement to take cotton or rice in payment is much better than accepting the political and military "strings" dangling from direct grants extended by the United States. At this point in economic warfare, for that is precisely what it amounts to, a dictatorship has a marked advantage. Khrushchev can open the purse at psychological moments, for he does not have to account for reasons or amounts to a critical press, an openly probing legislature, nor a demanding public opinion. Many of the states upon which Moscow is concentrating its economic efforts are impressed by the fact that the USSR does not appear to be inveigling them to join anything, while the United States utilizes money as a weapon of diplomacy, to enclose all uncommitted countries in the network of anti-Soviet alliances. To adamant neutralists like India, which has categorically refused to be a party to any military coalition and has shown great reluctance to accept grants, the Soviet style is very appealing.

To the non-neutralist, "capitalist" states, Moscow proposes coöperation in the arena of trade, more cultural and scientific interchange, and "friendship pacts" with the USSR in order to improve relations and strengthen "mutual confidence." Khrushchev suggested: "In contrast to the 'Let's Arm!' slogan of the North Atlantic bloc, we put forward the slogan, 'Let's Trade!'"<sup>32</sup> As if it were somehow possible to separate ideological warfare from the other ingredients of world politics, Khrushchev underlined the fact that "peaceful coexistence" does not apply to the realm of ideas:

The fact that we support peaceful coexistence and economic competition with capitalism certainly does not mean that one can relax in the struggle against bourgeois ideology and against the remnants of capitalism in the minds of people. It is our task constantly to unmask bourgeois ideology, reveal its character, inimical to the people, and its reactionary nature.<sup>33</sup>

Perhaps the widest departure from the traditional communist position forthcoming from the congress was the dictum that in certain countries "a stable majority in parliament" backed by "a mass revolutionary movement of the proletariat" might transform the institution from "an organ of Bourgeois democracy into a genuine instrument of the people's will." Such a majority in control of a bourgeois parliament "in a number of capitalist and former colonial countries" might actually bring about "the conditions needed to secure fundamental social changes."<sup>34</sup> Such "creative Marxism," as the communists call their theorizing when they wish to overhaul their intellectual equipment for expedient reasons, comes perilously close to the legalistic "social opportunism" or "right Socialism" that Bolsheviks have always abominated. The speakers at the congress advanced some rather specious arguments concerning the difference between evolution and revolution to deny the resemblance. Almost equally surprising was the degree to which the leaders developed the notion that

<sup>32</sup> *Ibid.*, Part I, p. A-26.

<sup>33</sup> *Ibid.*, Part I, p. A-112.

<sup>34</sup> Both quotations from Khrushchev, *ibid.*, Part I, p. A-32.

the transition from capitalism to socialism might proceed along different paths in different countries. In 1948, an article in *Bolshevik* stated the traditional view that the "general laws" of transition, "first revealed by Marx and Engels and verified, systematized, and developed by Lenin and Stalin on the basis of the experience of the Bolshevik party and of the Soviet State, are mandatory for all countries."<sup>35</sup> But Khrushchev insisted that the Soviet model need not be copied by countries in other circumstances. He cited "people's democracy" as one "peaceful" way to effect "transition," while Chinese experience reveals "much that is unique." Though civil war is not uniformly associated with the "transition" process, Khrushchev did recognize an old maxim *sine qua non*: "Whatever the form of transition to socialism, the decisive and indispensable factor is the political leadership of the working class, *headed by its vanguard*. Without this there can be no transition to socialism."<sup>36</sup> Here, at the heart of the matter, is old wine in new jugs. Unless the communists afford leadership in every country, no social transformation satisfactory to Moscow can occur under any conditions; and if the remarkably swift adaptation of the various parties abroad to Khrushchev's "creative Marxism" at the congress is any indication, communists around the world are just as susceptible to Soviet ideological shifts and "fraternal" guidance as in the past.

The Soviet leaders say they believe that any international problem can be solved by diplomatic bargaining among the great powers. Khrushchev denoted negotiation as the "sole method" of resolving controversies.<sup>37</sup> However, from Moscow's viewpoint, negotiation must be based on the so-called Five Principles of Peaceful Coexistence: *mutual respect for territorial integrity and sovereignty* (not only does the USSR define "sovereignty" more rigidly than most states, but this presumably means also that the West must take official cognizance of the entire Soviet realm as it now exists); *nonaggression* (by being the navigator on the "inevitable" tide of history, the USSR cannot, by its own definition, be guilty of "aggression," while in any case both sides are already committed to "nonaggression" by the United Nations Charter); *noninterference in each other's internal affairs* (the USSR takes an extremely broad view of the scope of its own "internal affairs," while the traditional Western contention that communist parties abroad are agents of Soviet foreign policy still cannot be answered credibly by the Kremlin, despite Khrushchev's declaration that "it is ridiculous to think that revolutions are made to order")<sup>38</sup>; *equality and mutual advantage* (apparently meaning reciprocal *concessions* yielding place to gradual Soviet expansion); and peaceful coexistence buttressed with active *economic coöperation* (the Soviet bilateral barter concept is bound to attract some Western countries with chronic dollar shortages, one-commodity export countries, and governments allergic to "dollar diplomacy"). There are so

<sup>35</sup> *Bolshevik*, No. 17 (Sept., 1948).

<sup>36</sup> *20th CPSU Congress Proceedings*, Part I, p. A-33. Italics added. "Vanguard" of course refers to the Communist party.

<sup>37</sup> *Ibid.*, Part I, p. A-21.

<sup>38</sup> *Ibid.*, Part I, p. A-27.

many semantical pitfalls and one-sided advantages for the USSR inherent in these unilaterally promulgated bases for "negotiation" that this conclusion seems inescapable: *Moscow has no real intention of negotiating major world problems except on its own terms.* This interpretation is further substantiated by Soviet behavior at the Geneva conference in the fall of 1955. At that time, the Kremlin was presented with an unusually favorable opportunity to negotiate three outstanding matters—disarmament, extension of cultural and economic contacts between East and West, and unification of Germany as a first step in creating conditions for European security. But Molotov made it clear that the USSR would not bargain on any of these subjects, despite the relaxed but deceptive joviality of the "summit conference" in Geneva four months before. It is now plain enough that the "Geneva spirit" was a tactical curtain behind which the Soviet Union maneuvered a diplomatic victory. In the Machiavellian credo, there is no necessary connection between smiles and deeds, and still less between words and conscious objectives.

Since "communist morality" admittedly allows any means whatsoever which (the leaders say) serve the end of world transformation,<sup>39</sup> the self-image of a "new" USSR devoted to peace, friendship, and restraint for their own sake demands close scrutiny. First of all, *the Twentieth Congress clearly did not subscribe to peaceful coexistence, parliamentary transition, nor renunciation of force under all conditions not involving direct attack on the Soviet Union.* The leaders were careful to modify the tempering of violence with such relative phrases as "in the present world situation" or "in certain capitalist countries." And even more fundamental is the fact that a few men in a totalitarian oligarchy decree in given instances whether the "situation" is or is not amenable to "peaceful coexistence." Only the élite may "develop" ideology, and there is no guarantee against sudden, diametric reversal. Soviet history yields many precedents for the recent turn of events in foreign policy. "Peace" has long been utilized as a stratagem to cloud the direction and tempo of longer-range objectives and as a soporific for the "bourgeoisie" while strength is being mustered. The First Secretary, as if in anticipation that this interpretation might be placed on Soviet deportment, commented somewhat defensively at the congress that "peaceful coexistence . . . is not a tactical move, but a fundamental principle of Soviet foreign policy."<sup>40</sup> Undoubtedly Moscow is sincere about wanting peace "under present circumstances," but this says nothing about the future when other leaders might "re-create Marxism," merely by quoting Lenin's "inevitability" maxim. Moreover, "peaceful coexistence" does not seem to preclude opportunistic exploitation of the more acute existing international animosities. For example, Soviet diplomacy arranged to have satellite Czechoslovakia ship arms to Egypt in September, 1955, and to offer to train Egyptian officers. By diverting the combustible Arab-Israeli situation to its own immediate profit, Moscow obtained a foothold in the heart of the Arab lands, drew several Arab governments closer to its orbit, and precariously tilted the scales

<sup>39</sup> *Kratkii Filosoficheskii Slovar* (Gospolitizdat, Moscow, 1941), p. 177.

<sup>40</sup> *20th CPSU Congress Proceedings*, Part I, p. A-26.

of power in the ultrasensitive Middle East. That the Israelis and the Arabs hovered on the edge of full-scale war as a result demonstrates that the Soviet olive branch blooms and withers quickly with the political climate of the moment in different areas of the world. The Kremlin, having little to lose and much to gain, was quick to exploit the ensuing differences between Egypt and the western powers, and the olive branch was scarcely the symbol to characterize its political collaboration with Nasser in the events preceding and following the nationalization of the Suez Canal in July 1956.

Though the *propaganda* of "peace" is now just as basic a tool as ever, the idea is presently connected with an unprecedented variety of overt behavior calculated to convince the world, in ways selectively adjusted to the tastes of different countries or social elements, that the USSR is bursting with good intentions. This is precisely what the Department of State has been insisting the Kremlin do ever since the "cold war" began. As a consequence, Moscow has taken the diplomatic edge off the official American argument that the Soviets merely utter platitudes while doing nothing to make their words ring true. In little more than two years, in addition to other moves previously mentioned, the Soviet régime opened its borders to visiting agricultural, educational, parliamentary, cultural, and even religious delegations from the West ("We smote to smithereens the stupid invention alleging that we fear contact with foreigners," said Mikoyan)<sup>4</sup>; selected its negative adjectives more discreetly (the leaders of the "capitalist" states are now "imperialists" rather than "blood thirsty warmongers" or "fascist beasts"); and simultaneously gravitated in numerous other directions toward an external demeanor far more moderate than has been the case in nearly three decades. After making a literally groveling apology to Tito in 1955, Moscow could hardly do less than "dissolve" the Cominform, as formally announced in April, 1956, because it had become a rabid purveyor of anti-Tito propaganda after Yugoslavia's expulsion in 1948. The Cominform was also closely associated with Stalin's methods of unbending supervision over the East European "people's democracies" and Beria's "traitorous activities," although its disappearance as a functioning body has no basic importance insofar as the relationship between Moscow and communist parties abroad is concerned. The impact of such a sequence of events, including publicized reductions of the armed forces by 640,000 in 1955 and by 1,200,000 in 1956, whether "sincerely" motivated or not, upon the "neutralist" states especially—and indeed upon the balance of critical judgment in all areas and countries—has already begun to coincide with Soviet expectations. In June, the results of parliamentary elections in Iceland indicated that the United States would be asked to give up its air base at Keflavik since the world situation is "no longer tense," and Ceylon gave increasing indications of joining the "neutralist" ranks.

The Soviets have wrested the initiative from the Western powers. The new complex of tactics represents a more flexible and formidable policy than the Kremlin has adopted in at least three decades. In the short run, world relations

<sup>4</sup> *Ibid.*, Part I, p. D-9.

will not seem so "tense"; but *in the long run, calculated moderation will make the Soviet Union a more subtle and therefore a more dangerous opponent, and the international communist movement more versatile than ever.* Systems of alliances and armament spending to countervail direct military action may have been decisive in 1948 or 1950; but counteracting possible "popular fronts" and economic aid to the needy call for other responses by the West. *The USSR is now meeting the West on its own ground,* suggesting that the "revolution" can be consummated in some instances through the very parliamentary processes highly valued in Western political ideology. This is a challenge aimed at the heart of Western political morality. While Stalin abetted force in Greece, Korea, and elsewhere, it was not too difficult to convince most states in Europe and even some in the Middle East and the Far East that the Kremlin might strike in their direction next. But military coalitions and heavy taxes in support of defense programs to keep the wolf away from the door become "unreasonable" or even "warmongering militarism" when the wolf has stopped huffing and puffing. Some Western allies, which could benefit in the short run from expanded East-West trade and from diminished friction to stabilize their own internal political situations, might not prove to be the accommodating American auxiliaries they seemed before the "smiling offensive" commenced.

In a sense, the Kremlin's altered approach attests to the overall success of "containment," yet at the same time renders it obsolete by making it insufficient in itself. Stalin tried "direct action" in Western Europe when the Cominform admittedly attempted to wreck the Marshall Plan through strikes and mass disturbances, but these techniques did not live up to expectations. When Moscow sought to countermand the defensive unification of Western Europe, that failed for the most part also. The West even began to break down the Arab front of resistance to military pacts, and in 1955 the Baghdad pact materialized. Thus the more the USSR pressed the "cold war," the more people lined up on the other side. With its utilitarian outlook, the Soviet oligarchy concluded that if the Western system of alliances could not be thwarted, at least the uncommitted "neutralists" might be prevented from joining the Western camp by offering alternatives of sweet reasonableness. Especially in Asia is the moral gauntlet most profoundly challenging. Most Asian countries are extremely sensitive on the subject of "black" (Western) imperialism. In many cases they hate it more than they fear Soviet aggrandizement. Their peoples appraise Western governments in the light of their experience with European colonial administrations in the past. Hence while the Asian masses take Western achievements for granted and have first-hand knowledge of Western "mistakes," they have no corresponding acquaintance with Soviet realities; and they tend to look upon "Marxism" as if no one had ever "tried" it.

Khrushchevism is doubtless more appealing also to the Chinese comrades than doctrinaire Stalinism was. Mao Tse-tung has long been much more favorably inclined toward "collective leadership" than Stalin ever was, and he must have been pleased to hear the principle that the forms of "transition to socialism" do not depend on mimicry of Soviet experience. In addition, since the

Kremlin intends to augment trade with technical aid to China, which might be highly salutary for Peiping's current five-year plan, a more equalitarian Sino-Soviet partnership may well emerge. The other comrades abroad may have been startled by the kaleidoscopic changes in Soviet tactics, and certainly the reputations of certain foreign communist leaders, some posthumously, can scarcely escape re-evaluation—a result of switches in party line with considerable precedent. Already, Klement Gottwald, the deceased Czech leader, and Bulgaria's Vulko Chervenkov have been re-examined and found to be suffering from a new malady called "cult of the individual." Other leaders such as Bela Kun, head of Hungary's short-lived communist régime in 1919, have been officially restored to favor. The foreign communists should be accustomed by this time to dextrous accommodation, and despite outward appearances, there is no real indication that any of the parties are seriously split or otherwise maladjusted. All parties, even the one in Yugoslavia which has predicated its *rapprochement* with Moscow on the "further development" of anti-Stalinist policies, have fallen into step with the fundamentals of Khrushchevism. Comrades Togliatti of Italy and Thorez of France have criticized the present Soviet leaders for failure to clarify their own roles during the Stalinist era and for downgrading Stalin in a unilateral manner, while the *Daily Worker* has condemned the "collective leadership" for the way the policy of de-Stalinization has been implemented. But more important than these attacks on the details of Khrushchevism is the fact that even the Italian, French, and American parties have endorsed the assault on the "cult of the individual" in general and on Stalin in particular. The French party, which was the most "Stalinized communist movement in the world outside the USSR . . . has hardly been shaken by the iconoclasts who smashed their god."<sup>42</sup> The principles of Khrushchevism itself invite precisely what Togliatti, Thorez, and the *Daily Worker* have done. The speakers at the Twentieth Congress said it was no longer necessary to copy Soviet revolutionary experience, that each party should march toward "socialism" using means adapted to its own national environment, that "shortcomings" lingering from the past should be exposed with "Leninist straightforwardness," and that from now on, there would be tolerance, even encouragement, of criticism and dissent by the reformed régime in Moscow.

After all, Thorez and Togliatti did not express their "independence" until the Kremlin itself gave the signal at the Twentieth Congress that it is acceptable to disagree, that one man's opinion imposed on everyone else is a violation of Leninist criticism and self-criticism as well as of "Bolshevik modesty." The fact that these leaders dared to question the Soviet élite is evidence that the foreign parties are responsive to Soviet guidance, not unresponsive. Moscow is trying hard to make the parties abroad, even those in Eastern Europe, appear more like other political parties as far as *methods* are concerned. In view of the new relaxation of controls in the satellites and the new emphasis on "popular

<sup>42</sup> Suzanne Labin, "French Communism Shrugs off Stalin," *N. Y. Times Magazine*, May 27, 1956, p. 22.



fronts," this should not be surprising. Khrushchev apparently wants to make the foreign comrades appear more "respectable," to get more votes in Western Europe. Just as he is permitting more "deviation" at home to unleash human energies so long pent-up under the rigors of Stalinism, so he has given the parties abroad more room to maneuver politically for the same general reason. For three decades the communists abroad have been correctly regarded in the West, with few exceptions, as servile tools of Moscow. Now the counterpropaganda of Khrushchevism is designed in part to disturb that notion. The reactions of Thorez and Togliatti underline indelibly the profound challenge to Western political morality which Khrushchevism entails. The question is, of course: To what extent can the communist movement be "liberated" and still serve the specific requirements of Soviet foreign policy in the future? But today it is in each party's own local interest to follow the milder, more respectable approach prescribed by the "creative Marxism" of the Twentieth Congress. For years, some parties had to sacrifice themselves on the altar of Soviet foreign policy, when they might have profited in their own countries by behaving differently. Only a patently undedicated communist would ignore current possibilities to move in the direction of "socialism" as local circumstances permit, utilizing a combination of expedient means blessed by the Twentieth Congress. To this extent, some of the resilience and verve of "communism" as a world movement, largely smothered under Stalin, has been deliberately revitalized by the "collective leadership."

Out of the byways of opportunism, certain consistent and traditional elements of the "new" foreign policy are evident. The things that have not changed are far more basic and significant for the future of world politics than those that have. The Kremlin still looks forward to a world "dictatorship of the proletariat," and no one at the congress even implied otherwise. The leading force of the "transition" is still the communist party in each country; and each party is still susceptible to signals and aid from the "fraternal" CPSU which rules one of the two most powerful states on earth. Woven into the fabric of all the "new" policies, which are in reality conscious tactics, is a strong thread that has served Moscow well many times in the past in overcoming crises and adapting to changed conditions—time.

# THE GUATEMALAN AFFAIR: A CRITIQUE OF UNITED STATES FOREIGN POLICY\*

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## I

Latin views toward the United States are not merely those of the weak toward the strong. They are, by the Latins' own definition, those of the poor toward the rich, the cultured toward the uncultured, the idealist toward the pragmatist.<sup>1</sup> They are those of a people largely inexperienced and misled in the political arena, and without practical criteria for the Anglo-Saxon notion of "democracy," either political or cultural. But they are bitterly experienced in the ways of dictatorship, economic exploitation, and grinding poverty. Born in Iberian feudalism and Catholic fervor, the Latin plainly does not understand the largely Protestant, industrialized, politically and culturally democratic, radical (and yet conservative) United States.<sup>2</sup> It is certainly a slight exaggeration to say that the most important thing the two groups have in common is the hemisphere in which, by geographic accident, they live.<sup>3</sup>

To them we are *Yanquis*, past and present exploiters, rich *because* they are poor, slightly drunk with our new postwar power, and verging toward fanaticism in our anti-communism. But their principal current complaint against us is our overflowing generosity toward Europe and Asia and our niggardliness toward themselves. A rather common postwar joke among underdeveloped nations seems to acquire new meaning when applied to Latin America: a presidential adviser, gloomily surveying our massive aid to Germany and Japan, suggests war on the United States, because we are so generous to those we defeat.<sup>4</sup>

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<sup>1</sup> This view of the United States is common, not only among Latin Americans, but among nearly all underdeveloped nations. The leaders of India, for example, argue that while the United States may be rich and powerful, India has far greater spiritual values which may be glimpsed only faintly by Americans. The best expression of the corresponding Latin American view is frequently said to be found in the famed and quite powerful work *Ariel*, written by the Uruguayan José Enrique Rodó, in 1900. For a short synthesis of the Indian view, see F. S. C. Northrop, *The Taming of the Nations* (New York, 1952), Chs. 3, 4, and 6.

<sup>2</sup> One of the better explanations of the basic characteristics of Latin American society can be found in L. Cecil Jane, *Liberty and Despotism in Spanish America* (Oxford, England, 1929), Chs. 2-8. See also Frank Tannenbaum, "The Future of Democracy in Latin America," *Foreign Affairs*, Vol. 33, pp. 429-44 (April, 1955).

<sup>3</sup> The contrary view, although presented without significant documentation, is stated by former Ecuadorian President Galo Plaza Lasso in his little book *Problems of Democracy in Latin America* (Chapel Hill, North Carolina, 1955), pp. 2-3.

<sup>4</sup> The rejoinder of the adviser's chief is not necessarily apropos; after agreeing that this might hold possibilities, he objects, "Suppose we won?"

The disparity of United States economic aid to the various areas is striking when

Guatemala, in its backwardness, general maldistribution of power and wealth, and syncretistic culture and religion, nearly epitomized those nations which sprang from the imposition of the Spanish yoke on a relatively well-populated Indian nation. Independent of external political control in 1823, Guatemala was a member of the United Provinces of Central America until 1838. *Caudillo* followed *caudillo* in the presidency, some enlightened but most despotic, some sympathetic to the Catholic Church, some anti-clerical. As in much of Latin America, "elections" were held only when the government felt sure it could win, so revolutions became the more popular way to change governments.<sup>5</sup> The last completely typical *caudillo* was General Jorge Ubico y Castañeda, who came to power in 1930 and maintained himself until an almost fantastically courageous university student-led strike forced his resignation in July, 1944. A brief but uncertain interim government, taking his orders, was ousted by a real military uprising in October, and in a subsequent election, Juan José Arévalo was elected for the 1945-1951 presidential term.

There is little doubt that communism got its start in Guatemala under Arévalo;<sup>6</sup> Arévalo's successor, Lt. Col. Arbenz, who served from March, 1951, until his ouster in July, 1954, was quite sympathetic to Communist activities, but under the best of contrary circumstances the ouster of Communists from their positions in the government would have been extremely difficult and would have stripped the government of its trained, though not necessarily efficient, bureaucrats.<sup>7</sup> Criticism of the character of the government, centering

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viewed statistically. Seymour Harris, in "How Good is our Good Neighbor Policy?," *New York Times Magazine*, Nov. 28, 1954, pp. 17 ff., says that "of about \$80,000,000,000 of United States Government foreign aid since 1940, the people to the south of us have received but 1 to 2 per cent." The point is supported by the *Report of the Subcommittee to Investigate Communist Aggression in Latin America to the Select Committee on Communist Aggression, House of Representatives, Eighty-Third Congress, Second Session . . .* (Washington, 1954), p. 18: "... the fact remains that to this critical area we have devoted less than 1 percent of the billions of dollars of grants that we have appropriated . . . to help friendly nations. . . ."

Tom Fitzgibbons, in his article "An Empty Briefcase at Rio," *The New Republic*, Vol. 131, pp. 12-15 (Dec. 13, 1954), states even more dramatically: "Since the war, the United States has given, outright, to wealthy Belgium and tiny Luxembourg three times more than to all 20 Latin American nations."

<sup>5</sup> See Sol Tax, "The Problems of Democracy in Middle America," *The American Sociological Review*, Vol. 10, pp. 192-99 (April, 1945). Many of Tax' generalizations are based in part on field study and observation in Guatemala.

<sup>6</sup> See Daniel James, *Red Design for the Americas* (New York, 1945), an imposing synthesis based, in large part, on 1945-1954 materials. See also the somewhat more authoritative publication by the U. S. Department of State, *Intervention of International Communism in Guatemala* (Washington, 1954), pp. 35-88.

<sup>7</sup> James, pp. 46-52, 70 ff., cites a few of the Communists who held important positions in the government. The late John E. Peurifoy, who was United States Ambassador to Guatemala from October 3, 1953 to September 15, 1954, told a House of Representatives committee investigating Communist aggression in Latin America that his conversations with Arbenz had convinced him that the man was a Communist. *Ninth Interim Report of Hearings before the Subcommittee on Latin America of the Select Committee on Communist Aggression, House of Representatives, Eighty-Third Congress, Second Session* (Washington, 1954), pp. 124-26 (hereinafter cited as *Hearings*).

in the United States, developed during this period. A series of five articles by Fitzhugh Turner of the *New York Herald Tribune* in February, 1950, was illustrative of the nature of this comment.<sup>8</sup>

Among the exiles forced from Guatemala by the operations of the Arévalo-Arbenz government was Lt. Colonel Carlos Castillo Armas, who had been condemned to death for his implication in an unsuccessful attempt against the government in late 1950. Castillo had escaped in June, 1951, and had established himself in neighboring Honduras. By the end of May, 1954, he was openly active in the preparation of a force designed to invade Guatemala and overthrow its government. The Honduran government seems not to have undertaken to fulfill the customary obligation of nations in international law to prevent one's territory from being employed as a base of operations against a state with which diplomatic relations are currently maintained.<sup>9</sup> On the other hand, the Guatemalan government had not been overly-correct in its relations with Honduras. A general strike had gradually developed in Honduras between February and May, 1954, in a situation in which there had never before been organized unions or even significant labor leadership. At one time 44,000 workers were absent from work, and substantial damage resulted from untended crops and some vandalism. Ambassador Peurifoy later testified that probably at least \$750,000 entered the country as aid to the strikers from Guatemala.<sup>10</sup> It is quite likely that Honduras' hospitality to Castillo Armas was a means of redressing the record against Guatemalan intervention.

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For a brief but authoritative account of the political events prior to 1954, together with a brief description of the structure of Guatemalan government, see Austin F. Macdonald, *Latin American Politics and Government*, 2nd ed. (New York, 1954), pp. 613-21.

<sup>8</sup> *New York Herald Tribune*, Feb. 8-13, 1950.

<sup>9</sup> Green H. Hackworth, *Digest of International Law*, 8 vols. (Washington, 1941), Vol. 2, pp. 291-98, states the general obligations in customary practice, as does Charles G. Fenwick, *International Law*, 3rd ed. (New York, 1948), pp. 301-2. Honduran action specifically violated numerous provisions of the Charter of the Organization of American States, including articles 5, 7, 11, and 15. See United States Department of State, *Ninth International Conference of American States* (Washington, 1948), pp. 168 ff.

The *New York Times*, June 18, 1954, reported: "Foreign correspondents in the Honduran capital were impressed by the numbers of khaki-clad men in the city and gathered at the airport. Wearing no insignia, the men boarded planes without any apparent effort to hide their movements." Honduran failure to check such an obvious gathering of forces can lead only to the conclusion that that nation was in fact performing an act of aggression against Guatemala. Failure of joint inter-American action to develop under the circumstances was further an ignoring of the meaning of article 24 of the O.A.S. Charter, which states that "Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States," and of the resultant article 25: "If the inviolability or the integrity of the territory . . . of any American State should be affected by an armed attack or by an act of aggression . . . , the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject."

<sup>10</sup> *Hearings* (cited in note 7), pp. 119-20. See also the *New York Times* for this period.

## II

The Tenth Inter-American Conference met at Caracas, Venezuela in March, 1954.<sup>11</sup> The United States had previously expressed its desire to have the conference record itself as being anti-Communist. Such a policy declaration had been elicited from the Ninth Conference in Bogotá, Colombia, in 1948,<sup>12</sup> but in view of the increased Communist power in Guatemala it was felt desirable to reassert the compact that communism was unwelcome in this hemisphere. Secretary of State John Foster Dulles led the United States delegation during the opening phases of the Conference, addressed its plenum several times, and was rewarded by the passage of his resolution:

... The ... Conference ... Declares: That the domination or control of the political institutions of any American State by the international communist movement, extending to this Hemisphere the political system of an extracontinental power, would constitute a threat to the sovereignty and political independence of the American States, ... and would call for a Meeting of Consultation to consider the adoption of appropriate action in accordance with existing treaties.<sup>13</sup>

The "existing treaty" referred to is the Inter-American Treaty of Reciprocal Assistance, written in 1947 at the Quitandinha, Brazil, Conference of the Foreign Ministers of the American Republics (often referred to as the "Treaty of Rio de Janeiro"). Article 6 of that treaty, referring to acts of aggression which are not armed attacks, seems most appropriate to the Caracas anti-Communist resolution. This article authorizes a meeting of the Organ of Consultation (the Foreign Ministers of the American Republics meeting in special session) for the determination of "measures which should be taken for the common defense. . . ."<sup>14</sup> The Rio Treaty and the Bogotá Charter of the Organization of American States of 1948 are in turn linked; article 19 of that Charter states: "Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the princi-

<sup>11</sup> These quinquennial Inter-American Conferences are declared to be "the supreme organ of the Organization of American States," by article 33 of the Charter.

<sup>12</sup> See resolution 32 of the Final Act of the Bogotá Conference, entitled "The Preservation and Defense of Democracy in America," U. S. Department of State, *Ninth International Conference of American States* (Washington, 1948), pp. 266-67.

<sup>13</sup> From section 1, "Declaration of Solidarity for the Preservation of the Political Integrity of the American States against the Intervention of International Communism," adopted as resolution 93 of the Final Act of the Conference on March 28, 1954. See U. S. Department of State, *Tenth Inter-American Conference* (Washington, 1955), pp. 156-57.

On his return from Caracas, Mr. Dulles held a press conference in which he made an effort to imply that the Monroe Doctrine was the United States' reply to the aggressive designs of Czarist Russia. *Intervention of International Communism in Guatemala*, cited in note 6, p. 788. This is a mis-emphasis of historical fact which is only slightly removed from rewriting it. For a sounder version of the circumstances, see Samuel F. Bemis, *The Latin American Policy of the United States* (New York, 1943), pp. 48-72, and Dexter Perkins, *Hands Off: A History of the Monroe Doctrine* (Boston, 1941), Ch. 2.

<sup>14</sup> "Professor Telders" Study Group, *United Nations Textbook*, 2nd ed. (Leyden, Netherlands, 1954), p. 365.

ples set forth in articles 15 and 17."<sup>15</sup> It therefore follows that sanctions taken under the Caracas anti-Communist resolution cannot be construed as violative of the provisions of the Charter of Bogotá which state the principles of territorial and political integrity of the signatory states.

It is significant that those who sprang to Dulles' support in the debates following the presentation of the resolution were not the democratic nations but the authoritarians, Venezuela, the Dominican Republic, Cuba, and Peru.<sup>16</sup> Guatemala's Foreign Minister, Guillermo Toriello, denouncing the Dulles proposal as "... the internationalization of McCarthyism, the burning of books, and the imposition of stereotyped thought," received twice the ovation that Dulles did.<sup>17</sup> The *New York Times* reporter Sydney Gruson later put it succinctly:

Senor Toriello had said many nasty things about the United States that virtually all Latin Americans believe. They were willing to applaud him since it cost them nothing. But not many were willing to vote against the United States when they might have to get up later in the conference and ask for economic aid. In the committee vote, only Mexico, Uruguay, and Argentina sided with Guatemala.<sup>18</sup>

After the final vote Uruguay, frequently a Latin bellwether, said through its delegate: "We contributed our approval without enthusiasm, without optimism, without joy, and without the feeling that we were contributing to a constructive measure."<sup>19</sup>

Having obtained a conclusive 17-1 vote in committee, Mr. Dulles returned to Washington on March 14, 1954. The conference was to run for two weeks longer and, from the Latin viewpoint, had only just gotten to work. The Latins are not unaware of the threat to their security implied by international communism, but they have long felt that they cannot solve effectively their social and economic problems, which are indeed the breeders of communism, without substantial help from one or more of the great industrialized and capital-exporting nations. This was the problem which they had come to Caracas to dis-

<sup>15</sup> *Ibid.*, p. 371.

<sup>16</sup> *New York Times*, March 3 and 4, 1954.

<sup>17</sup> *Ibid.*, March 6, 1954. For the text of Toriello's speech see O.A.S., Tenth Inter-American Conference, *Document 95 (English)*, SP-23, 5 March 1954. Toriello's argument against the United States as an interventionist nation and destroyer of Guatemalan democracy is elaborated in his *La Batalla de Guatemala* (México, 1955). Toriello here (pp. 65-66) develops his thesis that the Arbenz government was doomed from the moment of the triumph of the Republican party in the 1952 United States presidential elections, by virtue of the fact that Dulles is both stockholder and long-time corporation counsel for the United Fruit Company, and legal adviser to the company in the drawing up of the contracts of 1930 and 1936 with the Ubico government.

<sup>18</sup> *New York Times*, March 7, 1954. The Latin American view that their votes represented a *quid pro quo* for securing a hearing for their views regarding United States' economic policy can scarcely be avoided from a literal reading of this quote. Such an interpretation is not far from the truth.

<sup>19</sup> *Ibid.*, March 16, 1954. Guatemala voted against the proposal, Mexico and Argentina abstained. Costa Rica did not attend the conference in protest against the government of Venezuela.

cuss, and Mr. Dulles' proposal received their support because the present United States administration has made it reasonably clear that only nations which take approved views of international communism can expect to be recipients of economic aid or technical assistance without much American grumbling. This assistance is of course vital in view of the inability of the private sector of the United States economy to supply sufficient developmental capital to Latin America to meet that area's needs. Further, in view of their support of his proposition, Mr. Dulles' departure was, in their eyes, tantamount to his saying that he was concerned only with that support, and could not take time to discuss Latin American internal problems since they were not sufficiently important. Mr. Dulles attended one meeting of an economic subcommittee of the Conference, but his discussion there, while frank, indicated that the United States was unprepared to discuss meaningfully Latin America's economic preoccupations. This inability of the two sectors of the hemisphere to agree even on the nature and scope of the problems confronting them seems characteristic of inter-American relations. The post-World War II period seems merely to have witnessed a heightening of the lack of mutual understanding.

### III

From the viewpoint of the United States, the Caracas meeting's principal significance, therefore, was that it gave us the firmer anti-Communist statement desired from the Latin American nations. Guatemala was not specified in the statement, but it was obvious that it was directed against that nation. Sydney Gruson pointed out the atmosphere of the Conference:

One of the by-products of the political committee's debate [on the resolution], many delegates believe, is the tying of the United States' hands so far as the situation in Guatemala is concerned. The United States has publicly expressed its alarm over the growing influence of Guatemalan Communists on the Government of that country. For some time much of Latin America has been expecting unilateral U. S. action in regard to Guatemala.

But Secretary Dulles repeatedly assured the delegates that his resolution was not aimed at any American country and that the United States was solely concerned with intervention of international communism in this hemisphere. Much of the support given the United States' resolution was given on this understanding, and there would be deeply felt unhappiness in Latin America if, having passed, the resolution were to be turned into a weapon against Guatemala.<sup>20</sup>

<sup>20</sup> *New York Times*, "Review of the Week" section, March 14, 1954. For many years the Latin American nations tried to achieve United States acceptance of the principle that no nation should intervene in the domestic or international affairs of another. Specific efforts were made at the 1928, 1933, 1936, and 1947 meetings of the American nations. At the 1936 (Buenos Aires) meeting the Special Protocol Relative to Nonintervention was signed by the United States and later ratified. Article 1 of this protocol states in part: "The High Contracting Parties declare inadmissible the intervention of any one of them, directly or indirectly, and for whatever reason, in the internal or external affairs of any other of the Parties. . . ." Bemis, *op. cit.*, pp. 227-89. Article 15 of the O.A.S. Charter probably states the ultimate degree of this principle: "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. . . ."

But the declaration was to serve by implication almost immediately as if it were indicative of moral support for United States action inimical to the Arbenz government in Guatemala. The impression that the Caracas resolution might be used against Guatemala was heightened by consultation visits to Washington by the United States' ambassadors to four of the Central American nations. One of them, who was not identified, was reported by Paul P. Kennedy to have told that writer: "Well, we put through our resolution in Caracas, and now we have got to decide what we're going to do about it."<sup>21</sup>

On October 3, 1953, John E. Peurifoy had been appointed United States Ambassador to Guatemala. He had already established a reputation as one of the United States' more accomplished anti-Communist diplomats by his activity in Greece. It seems clear from the circumstantial evidence presented by journalists concerning the period from his arrival to the outbreak of the civil war between Castillo Armas and the Arbenz government that the United States did little to disabuse Arbenz' opponents of the notion that North American aid, moral and/or military, would not be lacking when the need arose. But it is difficult to find evidence which would clearly implicate Peurifoy or other United States' representatives in the plotting which resulted in Castillo's invasion from Honduras.<sup>22</sup>

Events in Guatemala leading to the civil war seem to have commenced with the State Department announcement on May 17, 1954, that a shipment of arms totalling 1,900 tons had arrived at Puerto Barrios, Guatemala. The arms shipment originated in Czechoslovakia, but reached Guatemala by a chartered Swedish ship whose charterer disclaimed any knowledge of the use to which

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This hard-won principle was, in the eyes of the Latins, endangered by the anti-Communist resolution, as was another article of the O.A.S. Charter, number 13: "Each State has the right to develop its cultural, political and economic life freely and naturally. . . ."

<sup>21</sup> See Kennedy's article in the "News of the Week" section of the *New York Times*, May 23, 1954.

<sup>22</sup> The lack of publicly-available proof has been noted by many writers. Donald Grant of the *St. Louis Post Dispatch* writes: ". . . this writer is not in a position to assign precise roles for the events which culminated in the fall of the Arbenz government, although he was, in fact, an eyewitness to many of the decisive events. Exiled Guatemalans, the Governments of Honduras and Nicaragua, the United States Departments of State and Defense, the Central Intelligence Agency, the United States National Security Council and other agencies and individuals were involved." "Guatemala and United States Foreign Policy," *Journal of International Affairs*, Vol. 9, No. 1, p. 69 (1955).

Flora Lewis, writing for the *New York Times Magazine*, July 18, 1954, p. 9, says of Peurifoy: "It was perfectly clear that his instructions and his purpose had one simple theme: 'Get rid of the Reds'." In testimony before a special House of Representatives committee investigating Communist aggression in Latin America, Peurifoy denied this charge, however: ". . . I would like to take this opportunity to explode a popular and flattering myth regarding the part I played in the revolution led by Colonel Castillo [Armas]. My role . . . was strictly that of a diplomatic observer. . . . The first and only active role that I played . . . was to lend my good offices to assist in negotiating the truce between the forces of Colonel Castillo and the military junta that was established in Guatemala after President Arbenz resigned. . . ." *Hearings* (cited in note 7), p. 114.



the ship was put.<sup>23</sup> News stories concerning both content and purpose conjectured unrestrainedly, but the full truth of the shipment probably will never be known. On the one hand, the *New York Times* writer Sydney Gruson reported from Guatemala City at the time of the shipment's arrival in May that the evidence seemed to indicate that the arms would be almost entirely for the army, and only in slight measure for rural or worker's militia or subversion in neighboring nations.<sup>24</sup> On the other hand, materials written later could not conflict more directly with this version.<sup>25</sup> The contents themselves are the object of equal uncertainty. While Gruson in July wrote that the bulk of the shipment was obsolete, including a great deal of materiel that can only be classed as "white elephants" by any standards relative to the Guatemalan situation, other versions argued that the arms were modern in the extreme and deadly under any circumstances.<sup>26</sup> The reader seems free to accept the version of his choice. The strength of the State Department version seems heightened by the fact that the ship in question, the M/S *Alfhem*, was known to have been involved in the carrying of newly-manufactured arms from the Skoda Czechoslovakian plant. It had been loading them at the Polish port of Stettin and taking them to other Communist ports throughout the world for some time preceding this incident.<sup>27</sup> The cloak-and-dagger atmosphere of the affair was also heightened by Secretary of State Dulles' statement that the *Alfhem* had cleared

<sup>23</sup> Reuters dispatch in the *Christian Science Monitor*, May 22, 1954. The *New York Times*, May 23, indicates the material was shipped in cases marked "hardware, auto parts, iron rods, optical glass, etc."

<sup>24</sup> *New York Times*, May 24, 1954. It is ironic to note that Gruson reported in this dispatch that the outcry of the United States against the arms shipment (it had been the United States which had first released the news of the event to the world) had produced a solidarity of Guatemalan opinion behind the government that had been surprising even to government leaders themselves!

The day previous, Guatemalan Foreign Minister Guillermo Toriello had announced to the diplomatic corps at Guatemala City that his nation rejected the protest and action of the United States as "aggression," and that it was considering seriously a plea to the United Nations Security Council under article 35 of the Charter.

<sup>25</sup> See, for example, "Guatemala: What the Reds Left Behind," *Harper's Magazine*, Vol. 211, pp. 60-65 (July, 1955), by a free-lance writer, Keith Monroe. Monroe's version was substantiated to this writer by a confidential source in Mexico in the summer of 1955.

<sup>26</sup> Gruson's version is found in the *New York Times*, July 9, 1954. Gruson states that the bulk of the shipment was of World War II or earlier vintage, and that much of it was anti-tank mines and very heavy German artillery built to travel on the *autobahns* of Hitler's construction. Other equipment, he states, included nonfunctioning Czech, British, and German rifles, and a few useful Czech machine guns. Gruson tells the story that the army spent much of its time after the outbreak of fighting trucking the mines, which had been stored in the army headquarters in the heart of Guatemala City, out of town to prevent a catastrophe from a lucky bomb hit. This version has definite comic-opera overtones.

The contrary version, that much of the shipment was highly modern, is supported by Monroe, *op. cit.*, and the press statement by United States Secretary of State John Foster Dulles on May 25. In the questioning after the presentation of the statement, Dulles even conjectured that the arms might well be intended to develop a Communist strong point dominating the Panama Canal! See *New York Times*, May 26, 1954.

<sup>27</sup> *New York Times*, May 20, 1954.

first for Dakar, French West Africa, and that it had been unloaded at Puerto Barrios, Guatemala, "under conditions of extraordinary secrecy and in the personal presence of the Minister of Defense."<sup>28</sup>

Sydney Gruson's version in the *New York Times* could only lead to the conclusion that the Communist leaders of Guatemala had been made fools of by their own Soviet superiors; it should be added that this is not impossible, granted the apparent manner in which Soviet leaders regard Communist leaders outside of the Soviet Union. On the other hand, the parallel between the shipments to Guatemala in 1954 and those to Egypt in early 1956 is incapable.

The United States employed the shipment to arouse sympathy for its subsequent anti-Arbenz actions. It was also employed as the basis for a nearly unprecedented request to the other members of the North Atlantic Treaty Organization that they grant the United States the privilege of searching their merchant ships on the high seas for arms shipments to Guatemala. The request was rejected by all of the nations to which requests were made.<sup>29</sup>

On May 20, the United States concluded a Mutual Security Treaty with Honduras<sup>30</sup> (a similar treaty had been signed with Nicaragua on April 23), and on May 24 it was announced that the United States Air Force was airlifting war materiel to the two nations. On May 25, United States Representative Patrick J. Hillings of California repeated to the House the Dulles charge that "the arms [imported by Guatemala] apparently were to be used to sabotage the Panama Canal." On May 26, the United States searched the French merchant ship *Wyoming* at the Panama Canal, finding cases of Browning automatic rifles not carried on the ship's manifest.<sup>31</sup> On the 27th, three B-36 bombers paid a "courtesy call" on Managua, the Nicaraguan capital.

Nicaragua had broken diplomatic relations with Guatemala on May 19, and undertook immediately to discuss the Guatemalan situation with the other American republics, with the intention of seeking a meeting of the Foreign Ministers of the members of the O.A.S. as an Organ of Consultation. In spite of its obvious concern, the United States indicated it would not try, at that time, to call for such a meeting, but rather would let the Nicaraguan action mature. But on June 7 the *New York Times* reported that the United States had initiated informal talks for the same purpose, under the terms of articles 39 and 40 of the O.A.S. Charter.

<sup>28</sup> Department of State *Bulletin*, Vol. 30, pp. 873-74 (June 7, 1954).

<sup>29</sup> See Covey T. Oliver, "International Relations and International Law; Some Problems of Inter-Relationship," a paper read at the 50th meeting of the American Political Science Association, Chicago, September 9-11, 1954, pp. 7-9. Also, *New York Times*, June 19, 1954. The rumor, previously reported on May 25, that two additional shiploads of arms had departed for Guatemala, undoubtedly was instrumental in causing the United States request.

<sup>30</sup> For text see U. S. Department of State, *Publication 5530*, May 20, 1954.

<sup>31</sup> The *Wyoming* carried several cases of sporting guns and ammunition, but these had been indicated in the manifests. The Browning automatic rifles, consigned to a private address in El Salvador, had not been so listed. Evidence indicated that the falsification had been performed by some private person, not by the French Line, which operated the ship. *New York Times*, May 27 and 28, 1954.

It had been assumed generally that the United States, having by this time received informal support from a majority of the O.A.S. members for such a convocation, would propose formally that this meeting be called at the regular meeting of the O.A.S. Council on June 16. This was not done, although such a call would have made it more possible for the O.A.S. to take immediate action at the highest level when the fighting in Guatemala actually broke out on June 19.<sup>22</sup> United States failure to act is regrettable. Clear information concerning the facts of the situation could have been discerned more easily at that time than later, and it certainly would have given satisfaction to the entire hemisphere that the United States wanted the facts to be known.

Tension mounted within Guatemala. An effort was made to blow up a part of the railroad line to the capital from Puerto Barrios<sup>23</sup> and an unidentified airplane spread anti-government leaflets on Guatemala City. Secret police activity, including arrests, tortures, and murders, stepped up markedly.<sup>24</sup> Spo-

<sup>22</sup> It had been expected that the meeting would be set for either June 28 or July 1 at Montevideo. Under Article 40 of the Charter of Bogotá, support of the United States proposal by an absolute majority of the O.A.S. Council would have resulted in the convocation of the meeting.

It is significant that steady United States pressure had apparently gained the acceptance of the proposal by a majority of O.A.S. members, including Mexico. The State Department's approach was designed to show that the acts of Guatemala had been a threat to the security of her immediate neighbors, and the relative success of the effort showed that the view was taken seriously. State Department spokesmen, including Mr. Dulles, noted that the Guatemalan attitude was persistently that the only real issue was that government's treatment of the United Fruit and other private interests. Accordingly, Guatemala had proposed as early as May 23 that Presidents Eisenhower and Arbenz personally discuss the matter in an effort to improve relations between the two nations. In his press conference of June 8, Mr. Dulles declared in part, "[this] is a totally false presentation of the situation. There is a problem in Guatemala which affects the other American states just as much as it does the United States, and it is not a problem which the United States regards as exclusively a United States-Guatemala problem." *New York Times*, June 9, 1954.

<sup>23</sup> The confidential source cited in note 25 stated that this destruction was actually an effort by part of the Guatemalan army to prevent the arrival of the arms at a point where they could be distributed to peasant militia units organized for the defense of the Arbenz government and to potential saboteurs in Honduras.

<sup>24</sup> Ambassador Peurifoy, testifying before the special House Committee to Investigate Communist Aggression in Latin America, said in part: "No case of Soviet direction was more clear than what occurred after the return of [José Manuel] Fortuny [Secretary-General of the Communist Party of Guatemala] last January. A press and propaganda campaign, stirring alarm over resistance of anti-Communists to the Arbenz regime, was immediately cranked up in the endeavor to prepare public opinion for the blow to fall. Then, at the end of January, 1954, the dramatic announcement was made of the uncovering of a subversive 'plot,' with the sinister note of foreign intervention, linking the United States by innuendo as 'the country of the North' from which direction and aid was allegedly being furnished the 'plotters.' This set the stage for wholesale arrests of anti-Communist citizens and for subsequent imprisonment, torture, and even murder. Many who were later released, beaten and broken, were pushed across the frontiers into México and Honduras by the vicious truncheon-wielding police. . . . Your committee is well aware that these tactics of brutal suppression and terrorization of the opposition is characteristically the last blow of communism in a country outside of the Soviet Union before complete seizure of power." *Hearings*, p. 117.

radic outbursts of violence in opposition to government police and troops occurred in outlying settlements, and the departure by air of Arbenz' mother and children on June 15 indicated the real seriousness of the situation.

Col. Castillo Armas' troops entered Guatemalan territory from Honduras on June 19. A period of somewhat desultory fighting followed. Arbenz resigned on June 27 after an all-day conference with his military leaders, and the Army Chief of Staff, Col. Enrique Díaz, established a short-lived provisional government composed of three officers. One of these, Colonel Elfego Monzón, replaced Díaz on the 29th, after the direct intervention of Ambassador Peurifoy. Peurifoy and a Marine bodyguard, both armed, were present in the conference room at the time power changed hands.

Monzón and Castillo Armas met in San Salvador, the capital of the neighboring nation of El Salvador, on June 30, under the good offices of Salvadorian President Oscar Osorio. Initial talks seemed inconclusive, and Peurifoy was notified that his presence would be desirable. He had been holding himself in readiness in Guatemala City, and flew immediately to San Salvador. He was quoted as saying, as he debarked from his plane at the airport, "We will get this straightened out." Monzón and Castillo Armas reached an accommodation on July 2. A June 30 *Christian Science Monitor* dispatch headed "Red Guatemala Rout Ups U. S. Obligations" seemed to epitomize the intimate role the United States had played in the change of governments, while Milton Bracker of the *New York Times* wrote in that paper's July 3 issue: "The signing [of the Monzón-Castillo Armas agreement] represented an unmistakable victory for United States policy, and particularly for . . . Peurifoy, . . . who had taken an essential, difficult role in bringing it about."<sup>35</sup>

The conclusion that the United States played an important part in the struggle in Guatemala seems inescapable. It cannot be shown that any of the arms airlifted to Honduras or Nicaragua ultimately appeared in the hands of the Castillo Armas forces. Rather, news reports indicate that the Castillo troops were armed with a hodge-podge of weapons, including even a few muzzle-loading rifles. Jeeps, DC-3, and P-47 aircraft were used by Castillo's men, but the ubiquity of such materiel, ten years after the Second World War, is virtually axiomatic. In fact, the military strength of Castillo was largely symbolic, and casualties and combats were few. The decision of the Guatemalan army not to seek battle with Castillo was really what toppled Arbenz.<sup>36</sup> But it can be shown that the United States played a role in the United Nations which tended to deny to Guatemala the privileges apparently guaranteed it by its membership in that organization. At the same time vacillatory Guatemalan action made it difficult for the U.N. and the O.A.S. to do anything significant to prevent the success of the Castillo movement.

<sup>35</sup> See both *New York Times* and *Christian Science Monitor*, May 18 to July 3, 1954, for articles covering the affair. See also James, *op. cit.*, pp. 304-19, and Milton Bracker, "The Lessons of the Guatemalan Struggle," *New York Times Magazine*, July 11, 1954, p. 11.

<sup>36</sup> See *Life*, July 12 and July 19, 1954, for illustrations indicative of the arms used in the fighting.

## IV

In response to the urgent request of the Guatemalan representative on June 19,<sup>37</sup> the U.N. Security Council met on the call of its president, United States representative Henry Cabot Lodge, on June 20. Guatemalan representative Eduardo Castillo-Arriola asked immediate U.N. investigation of his charge that the fighting had begun with the invasion of his country by forces stationed in Honduras and Nicaragua and backed by "foreign monopolies" with the knowledge of the United States State Department. The two accused nations denied this, and a draft resolution was presented by Brazil and Colombia.<sup>38</sup> The draft pointed to the availability of machinery under the O.A.S. for the possible settlement of the problem, provided that the Security Council would refer the problem to this machinery, and asked for immediate O.A.S. action to bring bloodshed to an end. The vote on the resolution was 10-1, the Soviet representative vetoing. An innocuous French-offered resolution calling for a termination of bloodshed was then adopted, ending five hours of occasionally bitter debate.<sup>39</sup>

The Brazilian delegate remarked that the Soviet veto did not prevent the O.A.S. from taking action in the matter.<sup>40</sup> But the Security Council took no ac-

<sup>37</sup> U.N., *Document S/3232*, June 20, 1954.

<sup>38</sup> U.N., *Document S/3236*, June 20, 1954. Sr. Castillo-Arriola's statements obviously referred to the private United States enterprises in Guatemala, the United Fruit Company being not only the best known but the favorite target of the Arbenz regime and its spokesmen. This attitude is explained in greater detail in Toriello, *op. cit.*

It seems unnecessary to belabor the role of the Fruit Company in the Caribbean area, since this has been done virtually *ad nauseam* in a number of excellent and well-documented books. See particularly Charles David Kepner, Jr., and Jay Henry Soothill, *The Banana Empire* (New York, 1935), and J. Fred Rippey, *The Capitalists and Colombia* (New York, 1931). The company has played a more enlightened role in the area as the result of recent pressures, but its mere size lends credence to the recent emotional outbursts against it by nationalistic leaders. Sydney Gruson, in an article in the *New York Times* "Review of the Week" section for July 4, 1954, reports its assets at \$579,342,000, of which approximately 10 per cent was located in Guatemala.

<sup>39</sup> U.N., *Documents S/3237* and *S/PV. 675*, June 20, 1954.

<sup>40</sup> The U.N. Charter provides (article 12) that the General Assembly may not make "any recommendation" regarding a dispute while the Security Council remains seized of it. But there is no analogous statement regarding regional organizations. The Charter states only (article 52, par. 3) "The Security Council shall encourage the . . . pacific settlement of local disputes through . . . regional agencies. . . ." Article 53, par. 1 reinforces this. In the absence of definitive Charter statement on the matter, it seems quite indefinite. Norman J. Padelford in his "Recent Developments in Regional Organizations," *Proceedings of the American Society of International Law*, Forty-Ninth Annual Meeting (1955), pp. 23-41, finds only the views of the Colombian delegate who was chairman of Committee III/4 of the U.N. Conference on International Organization at San Francisco (1945), as a basis for conjecture on this point. Padelford states that ". . . it would not have been incompatible with the accord reached at San Francisco if the Security Council had encouraged the parties to go to a regional organization and then had considered under Articles 33 or 34 a request to investigate whether a situation existed likely to disturb international peace and security." (His italics.)

The Council was never seized of the Guatemalan issue. See U.N. *Documents S/3253*, June 28; *S/3261*, July 6; and *S/3265*, July 12, 1954.

tion to insure the enforcement of the resolution, and did not ask the O.A.S. to take action for several days. In the meantime, Guatemala, which on June 19 had asked immediate O.A.S. action (and was accorded a special meeting of the Inter-American Peace Committee within three hours after the delivery of the Guatemalan note), reversed its ground completely on the 20th and told the Peace Committee it would not cooperate with Committee action pending the outcome of the resolution of the Security Council of the 20th. This was in spite of the realization that that resolution was essentially meaningless from the viewpoint of terminating attacks on the Arbenz government.<sup>41</sup> The sudden Guatemalan switch was explained on the nominal ground that Guatemala had never completed its ratification of the Rio Treaty of 1947 and the O.A.S. Charter, documents which provide the legal bases for action on behalf of the O.A.S. by the Peace Committee.<sup>42</sup> The argument presented by the Guatemalan delegation was that the Peace Committee "... is only competent to deal with disputes between the Member States ..."<sup>43</sup> This completely ignored the record of several years' action by Guatemala, which seemed to offer presumptive evidence that Guatemala considered itself a full member of the O.A.S. family of nations.

Guatemalan Foreign Minister Toriello and the Soviet representative combined to bring pressure on Security Council President Lodge for a second Council meeting on June 25. The fighting had continued, and Guatemala had not hesitated to level serious charges against its neighbors, although Castillo-Arriola, the Guatemalan representative, wrote anachronistically in a letter of June 23 that "... certainly Guatemala has no dispute of any kind with the neighboring States of Honduras and Nicaragua."<sup>44</sup>

<sup>41</sup> On June 19, the Guatemalan Chargé in Washington delivered a note to Luis Quintanilla, chairman of the Peace Committee, asking for an immediate meeting of the Committee for the purpose of taking action in regard to Castillo Armas' attack. The note alleged the intimate participation of Honduras and Nicaragua. Quintanilla further received a telephone call direct from Guatemalan Foreign Minister Toriello that midnight, asking that an investigating subcommittee leave for Guatemala on the 20th.

But on the afternoon of the 20th, the Chargé notified Quintanilla by telephone that the Guatemalan request was to be withdrawn, on the ground that the Security Council was considering the matter. This was later confirmed by several notes. See O.A.S., *Informe de la Comisión Interamericana de Paz sobre la Controversia entre Guatemala, Honduras, y Nicaragua*, Document CIP-131/54, pp. 1-3. Full texts of the notes and other documents mentioned are contained in the appendix of this report.

<sup>42</sup> See United States Department of State, *Report of the Delegation of the United States of America to the Inter-American Conference for the Maintenance of Continental Peace and Security* (Washington, 1948), pp. 59-65, for the text of the treaty. See also *Ninth International Conference of American States* (cited in note 12), pp. 170-71, for the text of chapter six of the Charter, which provides for peaceful settlement of disputes among the signatories.

The Peace Committee was extended and accorded a vote of confidence by resolution 102 of the Caracas (Tenth) Inter-American Conference. See *Tenth Inter-American Conference* (cited in note 13), pp. 101-2.

<sup>43</sup> U.N., Document S/3241, June 23, 1954.

<sup>44</sup> *Loc. cit.* See also Documents S/3238, S/3240, S/3244, S/3246, and S/3248, June 21-24, 1954.

The Council meeting voted to take no direct action until it had the opportunity to receive a report from the Peace Committee.<sup>45</sup> The Guatemalan government, which prior to the second Council meeting had rejected O.A.S. Peace Committee investigation, now reconsidered and announced it would welcome it. The date was the afternoon of June 26. After confirming the Guatemalan change of attitude, the Committee on the 27th determined that it would send a five-member team to Guatemala, Honduras, and Nicaragua, starting the 28th.<sup>46</sup>

At this juncture, it was announced that ten nations, including the United States, had requested a special meeting of the O.A.S. Council to consider the advisability of calling a meeting of the Organ of Consultation of the Rio Treaty under the terms of articles 6 and 11 of that treaty. The note had been presented to the O.A.S. Council chairman on June 26. Notwithstanding the June 27 resignation of Arbenz in favor of Enrique Díaz, the matter was pressed on the 28th by the United States. The meeting was voted unanimously, for Rio de Janeiro on July 7.<sup>47</sup> The discussion was a lengthy one, and attitudes expressed by some Latin American representatives seem to indicate considerable reserve regarding the statement of United States representative Dreier which conveyed the thesis that had been maintained steadily by his government, that the Guatemalan matter could only be interpreted as an attack on the hemisphere by international communism.<sup>48</sup>

It seems quite tenable to argue that the action was intended as a smoke-screen rather than as a sincere request. Dreier's statement acknowledged that governmental changes were proceeding in Guatemala, but argued that it was yet too early to know if the new government would be free of the Communist taint. Certainly events between June 16, when it had been anticipated generally that the United States would ask such a convocation, and June 28, had not heightened the dangers of Communist profit in Guatemala. If anything, the position of Arbenz would seem to have weakened during this period. Surely there can have been no real suspicion that the government attacked by Castillo Armas could continue to govern Guatemala for any length of time. The question why the United States should have requested the investigation after the horse had fled the stable, rather than before, seems almost rhetorical under the circumstances. Investigation, or the proposal of a real study of the situation, prior to the outbreak of fighting, would have been sincere. The action of the 28th was only an empty gesture. Events, of course, proceeded in the direction of Arbenz' ouster, and with the agreement of July 2 between Castillo Armas and Monzón, all rationale for the meeting disappeared.

The O.A.S. Council met in special session on July 2 to approve 18-1, with one abstention, the motion presented by Honduras and seconded by the United States that the July 7 meeting be postponed *sine die*. Perhaps the most mean-

<sup>45</sup> U.N., *Document S/PV. 676*, June 25, 1954.

<sup>46</sup> *Informe de la Comisión Interamericana de Paz* (cited in note 41), pp. 6-10.

<sup>47</sup> O.A.S., *Document C-a-153, Corr.*, Acta de la Sesión Extraordinaria celebrada el 28 de Junio de 1954 (Washington, 1954).

<sup>48</sup> *Ibid.*, pp. 794-800.

ingful attitude taken in the discussion was that of Argentina. Its representative pointed out that while his country was as anti-Communist as any other, it was also concerned with armed intervention in the affairs of any other American nation, for whatever reason. Argentina further argued that the Guatemalan affair had in reality been only the beginning of such intervention, and as such deserved study. Further, in the light of the accusations against certain nations by the late Guatemalan government, the Argentine representative implied he would assume that they would welcome confirmation of the truth of their denials of complicity.<sup>49</sup> It was not often that one found Perón's Argentina thus on the side of the angels!

But the Argentine point was lost. And, of course, the inspection team of the Peace Committee did not reach its destination either. It was in Mexico City when the Castillo-Monzón negotiations opened, and it remained there. At the urgent request of the Monzón *junta*, it cancelled its trip at that point on July 2 and returned to Washington.<sup>50</sup> The inaction of the U.N. Security Council and of the Inter-American Peace Committee (as agent for the O.A.S.) had combined with the successful operations of Castillo Armas to overthrow the Arbenz government.

## V

The assignment of responsibility for the outcome to any single nation is difficult. The Arbenz government cannot be separated in our thinking from the role of martyr it voluntarily chose to assume. Had it not blocked Peace Committee intervention, it is possible—though not necessarily probable—that we would understand more clearly the maneuverings of both the United States and the Soviet Union. While it was conceivable in theory that the Peace Committee's field investigations might have produced a resolution of the condition in favor of the Arbenz government, it does not necessarily follow that this would in fact have been the outcome. Comparison of the Guatemalan matter's handling by the Peace Committee with the behavior of the O.A.S. Council in the Costa Rican-Nicaraguan dispute in January and February of 1955 seems inescapable. In the latter instance, the Council chairman was Dr. José Mora of Uruguay. His precedent-making action was responsible for immediate Council response to the Costa Rican complaint, and a cessation of hostilities in time to save the established Costa Rican government. This action in itself bears inspection for its implications for meaningful response by international organizations to threats to the peace of the world. It is of more than passing importance, however, to note that in this latter instance the United States accepted the lead of the Council, and that this acceptance made the Council's action significant in the solution of the matter. It seems doubtful that the United States would have supported a similar Council request on behalf of the Arbenz regime.

<sup>49</sup> O.A.S., *Document C-a-155*, Acta de la Sesión Extraordinaria celebrada el 2 de Julio de 1954 (Washington, 1954), pp. 920-22.

<sup>50</sup> *Informe de la Comisión Intramericana de Paz* (cited in note 41), pp. 10-14.



The Arbenz government, after first seeking help from the Inter-American Peace Committee, reversed its ground and decided to place its hopes in the U.N. Security Council. It is true that U.N. intervention has, in certain situations, been effective for the restoration of peace. It is also true that the Communist-controlled Arbenz government could receive the moral support of the Soviet Union in the U.N., while it could not in the O.A.S. It seems likely that this latter consideration was of greater significance in Guatemala's decision to present its case to the Security Council than any possible conflict of interest or jurisdiction which might have arisen between the U.N. and the O.A.S. One may wistfully remark that it would be most interesting to see the correspondence, diplomatic or (probably) otherwise that must have passed between Guatemala City and Moscow's agents on June 20, 1954, the day the Arbenz government decided to abandon its request for immediate O.A.S. action and turned completely to the U.N. Security Council.

But the international legal niceties of the jurisdictional question are not the focus of this paper, however interesting they may be. It seems sufficient to note that there has never been any definitive answer to the question: Does action by a regional organization preclude simultaneous remedial action by the United Nations? Closely linked to this question is another: Would not a decisive resolution of this question imply the relegation to political ineffectiveness of one or the other organization?

It is therefore significant that Guatemala chose to go to the Security Council. The Soviet Union, fulfilling expectations, vetoed a resolution calling for meaningful investigation by the O.A.S. The United States delegate denounced this Soviet action in heated words and rejected the alternative to O.A.S. action, the U.N. intervention asked by Guatemala.<sup>51</sup>

While the United States has frequently posed as a defender of the United Nations, at least in its clashes with the Soviet Union, the United States was here placed in the unhappy position of questioning the sincerity of an appeal to the organization. Mr. Lodge's dual position as United States delegate and Security Council President was productive of further embarrassment, for Guatemala's numerous notes stating that the "bloodshed" had not ceased and that outside help was being given the Castillo Armas forces stated also what many did not doubt, that the entire matter was the product of United States support, indirectly if not directly. When, on June 22, Guatemalan Foreign Minister Toriello wrote Lodge, as Council President, asking that the Council take steps to assure that the resolution of June 20 be made effective, Lodge replied:

... the Soviet Union ... has crudely made plain its desire to make as much trouble as possible in the Western Hemisphere. ... But the Government of Guatemala should not lend itself to this very obvious Communist plot, lest they should appear to be a cat's

<sup>51</sup> Oliver, *op. cit.* (note 29), observes cryptically, "... the sensitively attuned representatives of some of the other American republics must have felt [Lodge's 'emotional asides'] were reversions to the older, unilateral version of the Monroe Doctrine, to 'manifest destiny,' Senator Platt and all of that." For the text of the Lodge statement see U.N., *Document S/PV. 875*, paragraphs 164-172, and 223.

paw of the Soviet conspiracy to meddle in the Western Hemisphere. In fact, as it is, many persons will wonder whether the whole imbroglio in Guatemala was not cooked up precisely for the purpose of making Communist propaganda here in the United Nations. This I am sure Mr. Toriello would not want.<sup>62</sup>

The implication that even Castillo Armas was a part of the "whole imbroglio" is inescapable, and the sarcastic concluding sentence can only be described as tongue-in-cheek. The tone of the reply certainly states that a government which does not trust the impartiality of a regional organization's procedures—as *Guatemala's leaders obviously did not*, granted the predominant position of the United States in that organization—has no alternative but to use the regional procedure anyway. It can be argued correctly that the resolution calling for referral of the Guatemalan appeal to the Inter-American Peace Committee was introduced jointly by two Latin American nations and not by the United States. But events over a long period both before and after the meeting of June 20 indicate fully that Latin American nations are frequently ready to perform the United States' desires in order to avoid embarrassment to this country. The suspicion that this very thing was occurring on June 20 became valuable capital for Soviet and Guatemalan argumentation in the debate of that day.

Mr. Lodge continued in his reply to Guatemala's request for a second Council meeting, "... it has become increasingly plain that the situation in Guatemala is clearly a civil—and not an international—war . . ." This seemed to fly in the face of all the evidence then available, and certainly caused serious doubts as to the good faith of the United States. But it was an attempt to offer a rationale for O.A.S., rather than U.N., action. Mr. Lodge's statements would not have been so devastatingly a denial of "due process" to Guatemala had he not been Security Council President. Mr. Lodge was placed by Guatemalan-Soviet tactics in the unfortunate dual position of defending politically the reputation of the United States while at the same time behaving correctly as President of the U.N. Security Council. In the latter capacity his functioning and impartiality were impaired by the feeling he apparently had that he must, as United States representative, denounce Guatemala as cynical because of its consistent request for U.N., as opposed to O.A.S., action. His choice of words can only be construed as gratuitous, since Guatemala's appeal to the U.N. was not improper under its position as a member only of the U.N. The Soviet veto of the Brazilian-Colombian resolution calling for inter-American Peace Committee jurisdiction over the civil war also was not improper, although it may well be viewed as cynical. In the Council debate of June 20, both the Soviet and Guatemalan delegates called repeated attention to articles 34, 35, and 52 (par. 4) as substantiation for their contention that the Security Council had both jurisdiction and responsibility. The failure of the Guatemalan delegate to secure the introduction of a resolution in the Council calling for U.N. rather than O.A.S. action may well have been a tactical device (dictated by the Soviet Union?) designed to condemn the United States by implication, rather than directly. If so, it did not fail of its purpose.

<sup>62</sup> *Intervention of International Communism in Guatemala* (cited in note 6), p. 18.

If a case can be made that the Guatemalan affair was necessary by reason of unbearably imminent Communist danger, there is perhaps a rationale for the behavior of the United States. Secretary Dulles' statement of May 25 and address of June 30 made a serious effort to make such a case.<sup>58</sup> But it must be argued that, if such danger existed, effective and impartial investigation would certainly have shown it, and would have eased the minds of many small nations in both Latin America and elsewhere. Since no investigation was permitted, by an ironic coincidence of United States and Soviet Union policy (the Arbenz government assisted in the development of this coincidence), the answer will forever hang on the statements of Mr. Dulles and the State Department.<sup>59a</sup> In terms of preserving its good reputation, the United States was in the position of having to make out a case for its actions. The Soviet Union, as so often happens, was not. One wonders if the United States would, in fact, have countenanced a full field investigation by an international body. In the absence of generally believable facts, conjecture runs riot. Guatemala's geographic position relative to the United States and to the Panama Canal renders rather unreasonable a statement that even a thoroughgoing Communist government could have been a substantial threat to the security of the United States, and the Mutual Security Treaties of April and May with Nicaragua and Honduras, respectively, served to put them beyond the immediate damage possible from irregular guerrilla troops operating on the basis of the famous 1,900-ton arms shipment. At the time of the shipment, numerous spokesmen for the United States government pointed out that Guatemala is but two hours' flight time from either the Panama Canal or the territorial United States, as modern jet aircraft fly. This is quite true, but such calculation is not equivalent to saying that jet aircraft *do* fly from Guatemala. The only airfield even scarcely suitable for such air operations, La Aurora at Guatemala City, is open to constant observation from the city itself by all who wish to look to see the planes taking off. Should such aircraft actually have begun to operate there, or should the government have expelled all suspect individuals (including, of course, United States citizens not excepting the United States Military Missions which remained there throughout the civil war), the United States would have had ample warning.

The shocked conscience of the world was probably represented best in the British House of Commons on July 14, 1954, by Clement Attlee, head of the Labor party, in foreign affairs debate:

The fact is that this was a plain act of aggression, and one cannot take one line on aggression in Asia and another line in Central America. I confess that I was rather shocked at the joy and approval of the American Secretary of State on the success of this *putsch*.

... we cannot pass this off as just a Central American squabble, of which there are so

<sup>58</sup> *Ibid.*, pp. 30-34.

<sup>59a</sup> See the speech by Donald McK. Key, Assistant Secretary of State for United Nations Affairs, in United States Department of State, *Bulletin*, Vol. 31, pp. 115-118 (July 26, 1954) for a most flagrant misrepresentation of the situation.

many. There was a principle involved and that principle was the responsibility of the United Nations. I think it was a mistake in these circumstances to try to hand over to a regional body. We might also have talk of handing over to a regional body in other parts of the world [China] and I do not think we would like the results very much. Therefore, I am afraid that Guatemala has left a rather unpleasant taste in one's mouth because, to illustrate the theme I was putting, it seems in some instances that the acceptance of the principles of the United Nations is subordinated to a hatred of Communism.<sup>54</sup>

And William Frye, the *Christian Science Monitor's* United Nations writer, concludes:

The reputation of the United Nations as the primary resort of victims of aggression . . . has been beclouded. The Soviets, of all people, have been enabled to pose as the U.N.'s champion against attack by the United States. . . . Here at U.N. headquarters, the United States' reputation as stout champion of collective security has been severely tarnished.<sup>55</sup>

Mr. Frye's conclusion makes reference to Sydney Gruson's observations regarding the Caracas anti-Communist resolution almost inescapable (see above, p. 792). It may well be that the United States, in late May and early June, 1954, had been able to present so persuasive a case to its fellow American Republics as to convince them that Guatemala presented a threat of subversion to them all. The comments of Arthur Krock of May 27, 1954, plus the arguments of Mr. Dulles and Mr. Dreier, indicate that such effort was made.<sup>56</sup> Thus the State Department was aware of the views which were reported by Gruson. But the entire situation leads to the conclusion that the United States failed to give evidence of faith in the processes of the United Nations; that it dragged its feet regarding effective O.A.S. action beyond the point of reason; that it was intimately involved in a situation of subversion of a constitutional government; and that it did not at any time undertake to make the record clear to the people either of the United States or of Latin America. However justifiable the circumstances may have been, the United States has not allowed itself to be put in a complimentary light.

## VI

Obviously none of this touches on the question of the qualities, democratic or undemocratic, of the Castillo Armas government which became the chosen instrument of the United States. Castillo was confronted with a well-nigh insurmountable problem of government. He found himself with a ruined treasury, a suspect bureaucracy, and a citizenry frightened and mutually suspicious. His career military training had little prepared him for his new role. Yet the consensus has been that he has done well with the raw materials at hand.<sup>57</sup>

<sup>54</sup> H. M. Stationery Office, *Parliamentary Debates, Commons*, Official Report, 5th Series, Vol. 530 (London, 1954), cols. 489-90.

<sup>55</sup> *Christian Science Monitor*, June 26, 1954.

<sup>56</sup> See Mr. Krock's column in the *New York Times* of that date.

<sup>57</sup> See the series of articles by Paul P. Kennedy in the *New York Times* on Castillo's first anniversary in office, June 30-July 4, 1955.

Perhaps the intervention of the United States has come off better than we had any right to expect!<sup>58</sup>

But the essential point of the experience has not been altered by the relative success of Castillo Armas. Rather, the entire experience seems to indicate the desirability of a stock-taking regarding United States foreign policy *vis-à-vis* Latin America. From the date of the passage of the anti-Communist resolution at Caracas, Latin America, it has been shown, considered that the days of the Arbenz government were numbered. Few were surprised when the blow fell, although the precise manner and blunt nature of it had not been foreseen. Just after the start of the Guatemalan fighting, Joseph C. Harsch wrote:

... The only question seriously at issue is whether the United States can manipulate an operation of this kind skillfully and successfully. . . . If there were no native revolutionary movement to encourage and support, then some other . . . remedy would have to be found. Fortunately, there was a bona fide native movement; and, fortunately, Honduras was willing to let it be launched from Honduran soil. . . .<sup>59</sup>

Harsch continues:

The best thing, of course, would be to prevent the establishment of communism in the first place. Unless and until more is done in the preventive line than has been done recently there will have to be more operations of this type. Economic aid in Latin America was one of the victims of the 1953 economy wave in Washington.

Mr. Harsch's contention is true, for our record with regard to our overall economic policies (not just economic aid) is far from satisfactory or consistent.<sup>60</sup> But even more urgently needed is some means of demonstrating, in forceful and pragmatic terms, the intimate connection between the security of the United States and that of the other nations of the hemisphere. This will not be accomplished by a contrived revision of history, nor by the imposition of North American standards of political morality on Latin Americans. Rather, it can be accomplished by punctilious compliance with both the spirit and letter of inter-American obligations, a vigorous effort to explain the United States viewpoint and nature to Latin Americans in such terms as will be understandable within their own frames of reference, and a conduct of economic relations such as to give evidence that this country is as concerned with the material advance of Latin America as it is with the advance of areas farther from our own borders.

<sup>58</sup> Instrumental in the survival of the Castillo government has been a series of grants, loans, and technical assistance agreements concluded between Guatemala and the United States. See *General Agreement for Technical Cooperation between the Government of the United States of America and the Government of Guatemala*, signed at Guatemala City September 1, 1954, and entered in force on the same day. Department of State, *Publication 5698* (Washington, 1955). See also Senate, Committee on Foreign Relations, *Hearings . . . on the Mutual Security Program for Fiscal Year 1956* (Washington, 1955), pp. 288, 306-8, 313.

<sup>59</sup> *Christian Science Monitor*, June 22, 1954.

<sup>60</sup> Perhaps the most comprehensive and critical survey of recent United States economic policy toward Latin America is Simon G. Hanson's article, "The End of the Good-Neighbor Policy," *Inter-American Economic Affairs*, Vol. 7, pp. 3-49 (Autumn, 1953). Mr. Hanson's writing is very harsh, but his vigorous judgments make far too much sense to be ignored.

# DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN AMERICAN UNIVERSITIES\*

COMPILED BY WILLIAM C. SEYLER†

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## I. DISSERTATIONS IN PREPARATION

### POLITICAL PHILOSOPHY AND PSYCHOLOGY

- Gilbert Abcarian*, Political Romanticism: Coleridge and Tolstoi. *California* (Berkeley).  
*Fred Abtin*, George Plekhanov and the "Iskra". Period. *Columbia*.  
*Milton C. Abrams*, The Political Philosophy of Christopher Saint German. *Utah*.  
*Minoo Adenwalla*, Political Philosophy of the Indian National Movement. *Northwestern*.  
*Albert Alexander*, Impact of U. S. on Revolutionary Ideas in Europe, 1830-1848. *New School*.

\* Similar lists have been printed in the *Review* annually since 1911, except for 1915-19, 1921 and 1923-24; full citations are given in the 1955 list, XLIX, 792.

Items which appeared in the September, 1955, list are in general classified under the same headings in the present list, and new items have been assimilated to the 1955 classifications as far as possible. In cases where classification of an item has been suggested by the institution concerned, the suggestion has been followed. Each item is listed under one classification only.

The lists printed in the *Review* are based on information from departments giving graduate instruction in political science. Often dissertations are in progress in departments of economics, history, sociology, etc., which overlap or supplement dissertations in preparation in political science. Attention is called especially to the following lists: "Current Research Projects in Public Administration" (reported to Public Administration Service), the most recent edition of which appeared in 1951; "Doctoral Dissertations in Political Economy in Progress in American Colleges and Universities," in the *American Economic Review*; "List of Doctoral Dissertations in History Now in Progress," published annually by the Division of Historical Research of the Carnegie Institution through 1938, and since then by the American Historical Association,

*Robert J. Alperin*, Problems of Leninism: The Communist Party, U.S.A., 1930-1958. *Northwestern*.

*Moses J. Aronson*, History of Legal Thought in America. *New School*.

*Justin Atkinson*, The Political Thought of L. T. Hobhouse. *California* (Berkeley).

*Meyer Auerbach*, American Theories of Democratic Politics. *Columbia*.

*Robert D. Barendsen*, The Chinese Communist Germ Warfare Propaganda, 1952-1953. *Yale*.

*Charles S. Bednar*, Pragmatism: A Projected Metaphysics for a Democratic Society. *Columbia*.

*Stanislaus Belch*, Paulus Vladimiri and his Doctrine: A Historical and Political Study

ciation, as supplements to the *American Historical Review* (1940 and 1941), as Vol. III of its Annual Report (1941), and as separate publications (1947, 1949 and 1952); and "Doctoral Dissertations in Sociology," in the *American Journal of Sociology*. Consult also the "External Research List," published by the Office of Intelligence Research, Department of State. These are in addition to the "List of American Doctoral Dissertations Printed in 1938," the most recent of an annual series published by the Library of Congress; and Arnold H. Trotter and Marian Harman, "Doctoral Dissertations Accepted by American Universities, 1952-53," the twentieth of a series beginning in 1933-34, compiled for the Association of Research Libraries. Consult, for other lists, T. R. Palfrey and H. E. Coleman, Jr., "Guide to Bibliographies of Theses, United States and Canada" (Chicago, American Library Association, 2nd ed., 1940).

Abstracts of some of the theses listed as completed may be found in "Dissertation Abstracts," published bi-monthly by University Microfilms, Ann Arbor, Michigan.

† On leave of absence from the University of Pittsburgh.

- of the 15th Century Polish School of International Law, with Ten Treatises of Vladimiri Critically Edited. *Notre Dame*.
- Laurence Berns*, The Political Philosophy of Francis Bacon with Special Attention to the Principles of Foreign Policy. *Chicago*.
- Samuel B. Bloom*, Public Housing and Politics in Richmond, California. *California* (Berkeley).
- William T. Bluhm*, The Theory and Practice of Social Catholicism. *Chicago*.
- Robert L. Bock*, The Political Philosophy of Subhas Chandra Bose. *American*.
- Wilmer L. Bohlmann*, The Legal and Political Theories of Leon Duguit. *Washington*. (Seattle).
- George F. Brasington, Jr.*, Representative Government in Jacksonian Political Philosophy. *Illinois*.
- William R. Brown*, Deviations in American Communism: The Influence of American Politics and Economics on Communist Theory. *Washington* (St. Louis).
- Francis P. Canavan, S.J.*, The Role of Reason in Politics: Burke and 18th Century Rationalism. *Duke*.
- Vincent Chen*, Mao Tse-tung's Views of the Chinese Communist Revolutionary War: A Critical Study. *Yale*.
- Yung Ping Chen*, Comparative Study of Dr. Sun Yat-sen's and Mao Tse-tung's Political Theories. *Maryland*.
- Vincent C. Chrypinski*, The Progressive Catholic Movement in Poland. *Michigan*.
- Jules Conn*, The Political Theory of Lester Frank Ward. *Rutgers*.
- Michael R. Curtis*, The Theories of European Syndicalism. *Cornell*.
- J. Raymond Derrig, S.J.*, Political Thought in American Catholic Newspapers. *St. Louis*.
- Susan H. Devine*, The Political and Social Philosophy of Herbert Hoover. *Pennsylvania*.
- Paul M. Downing*, Corporatism or Solidarism in Catholic Social Philosophy. *Columbia*.
- David M. Earl*, Political Thinking in Maiji Japan. *Columbia*.
- Harris I. Effross*, The Political Philosophy of Herbert Croly. *Rutgers*.
- Emily H. Ehle*, The Identification of Local Leadership within an American City (Philadelphia). *Pennsylvania*.
- Arnett A. Elliot*, Contemporary British Conservative Thought. *Columbia*.
- Frank Evans, Jr.*, The Political Theory of Richelieu. *Georgetown*.
- Edward Fishman*, The Political and Social Philosophy of Owen J. Roberts. *Pennsylvania*.
- Martin Fleisher*, Political Theory of James Harrington. *Columbia*.
- Theodore B. Fleming, Jr.*, John Stuart Mill's Essay *On Liberty* and Its Critics. *Yale*.
- Thomas A. Flinn*, Croce, Collingwood and Cassirer, Their Concept of Method in the Study of Man and Application to Politics. *Minnesota*.
- Garland Fothergill*, Political Ideology of the New Republic. *Minnesota*.
- Julian Franklin*, The Theory of Caesarism. *Columbia*.
- Leonard Freedman*, Group Opposition to Governmental Welfare Activities in the United States. *California* (Los Angeles).
- Thomas M. Furst*, American "Anti-Intellectualism" and the Left Intelligentsia. *California* (Los Angeles).
- Stanley T. Gabris*, Secrecy in Politics: A Study in Attitudes. *Chicago*.
- Alexander L. George*, The Intelligence Value of Content Analysis. *Chicago*.
- R. Gordon Gilbert*, Description and Prescription in Seventeenth Century Science. *California* (Berkeley).
- Robert Goldwin*, Property, Money and Justice: A Study of John Locke's Political Teachings. *Chicago*.
- Peretz Gordon*, The Political Thought and Action of David Ben-Gurion. *Chicago*.
- Richard B. Gray*, A Study of the Politics and Political Ideology of Jose J. Marti, the National Hero of the Cuban Republic. *Wisconsin*.
- Gordon B. Greb*, The Political Philosophy of the American Press. *Stanford*.
- Myron Q. Hale*, American Conservatism: Conventionalism, Historicism, Functionalism. *Columbia*.
- Joseph B. Hampton*, The Political Theory of Jean-Paul Sartre. *Rutgers*.
- Edward Handler*, The Political Theory of John Adams: A Study of the Emergence of a Conservative Tradition in American Political Thought. *Harvard*.
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- William H. Hatcher*, The Political Thought of Westel Woodbury Willoughby. *Duke*.
- Beresford Hayward*, An Evaluation of the Program of American Labor for a Full Employment Economy as an Efficient Expression of

- Its Contemporary Political Philosophy. *Chicago*.
- Robert S. Hill, The Political Philosophy of David Hume. *Chicago*.
- Henry J. Hodder, The Political and Social Thought of Thorstein Veblen. *Harvard*.
- David Holland, The Problematic Situation as a Context for Valuation in the Writings of John Dewey. *Harvard*.
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- Richard L. Hough, The Jurisprudence of Learned Hand. *California* (Los Angeles).
- Thomas A. Israel, The Implications of the Social Contract Theory for International Organization and International Law. *Illinois*.
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- Myron J. Luning, The Question of Censorship: Art and Government in a Democracy. *Iowa*.
- Adele Haddad McCarus, The Concept of the State in Islamic Thought. *Michigan*.
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- Donald McIntosh, Psychoanalysis and the Theory of Liberal Democracy. *Columbia*.
- Maan Madina, Ijma: Public Consensus in Islam According to Al-Ghazali. *Chicago*.
- Cesar A. Majul, The Political Philosophy of the Philippine Revolution, 1896-1899. *Cornell*.
- Serif A. Mardin, The Influence of Positivism on the Development of Turkish Political Thought in the Nineteenth and Twentieth Centuries. *Stanford*.
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- Sylvester Massman, The Family in Twentieth Century Political Thought. *Minnesota*.
- Robert K. Neary, Some Problems in Contemporary American Liberalism. *Southern California*.
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- Marvin Zetterbaum, Natural Law and the Supreme Court: A Study in Theory and Practice. *Chicago*.
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- Rudolph S. Comstock, The St. Lawrence Seaway Project. *Ohio State*.
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- Don F. Hadwiger*, Farm Groups and United States Foreign Economic Policy, 1943-1955. *Iowa*.
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- Marston Headley*, Recent Developments in the Regulation of Railroad Consolidation. *Harvard*.
- Richard B. Henderson*, The Republican Party and the States' Rights Doctrine. *Maryland*.
- Jack M. Hertzog*, The Administration of Soldier Voting in the United States Army. *American*.
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- Victor K. Heyman*, The Congressional Legislative Process: A Study of Selected Pressure Groups' Power and Influence. *Washington* (St. Louis).
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- James Howe*, The Budget and Foreign Affairs. *Harvard*.
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- Malcolm E. Jewell*, The Role of Political Parties in the U. S. Senate regarding Major U. S. Foreign Policies towards Europe, 1947-1955. *Pennsylvania State*.
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- James M. Mahoney*, The Irish Americans and Their Attitudes on Foreign Affairs. *Clark*.
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- Frank S. Mellor*, Employment of Civilians by the Department of the Army: Factors in Determining Whether Military or Civilian Personnel Should Be Assigned to Particular Activities or Jobs. *Harvard*.
- Leno C. Michelin*, Postwar Conceptions of Managerial Responsibility in Labor Relations. *Chicago*.
- Clifford Miller*, Institutional Considerations in the Formulation of Federal Fiscal Policy. *American*.
- Lester E. Mosher*, Political Activity Restrictions in the United States. *New York University*.
- Don Muchmore*, Political Use of the Presidential Appointive Power, 1900-1950. *California* (Los Angeles).
- Arthur W. Murphy*, Communist Penetration of the United States Maritime Industry. *Georgetown*.
- Henry Nash*, The Selection of the United States Ambassadors to the Soviet Union. *New York University*.
- Morris S. Ogul*, Reforming Executive-Congressional Relationships in the Conduct of American Foreign Policy: History and Analysis of the Idea of an Executive-Legislative Council as a Proposed Solution. *Michigan*.
- Edward R. Padgett*, The Minority Party in Bipartisan Foreign Policy Formulation in the United States. *Maryland*.
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- Harry M. Scoble, Jr.*, Yankeetown: A Study of Community Decision-Making Processes. *Yale*.
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- Henry Tomasek*, The Great Plains Agricultural Council. *Chicago*.
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- Thomas D. Unga*, The Political Theory of the Second Hoover Commission Report. *Iowa*.
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- Andrew J. Wann*, Franklin D. Roosevelt: A Study of Leadership. *Missouri*.
- Leo Weinstein*, The Place of Lobbying in the Legislative Process. *Chicago*.
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- Quentin H. Whybark*, Political Aspects of the Public Power Issue in the Pacific Northwest. *Stanford*.
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#### CONSTITUTIONAL AND ADMINISTRATIVE LAW IN THE UNITED STATES

- Roscoe C. Adkins*, Justice Brandeis and Administrative Law. *Texas*.
- Karl Andresen*, U.S. Supreme Court Interpretations of State Constitutions. *Minnesota*.
- Louis A. Antrobus*, The Federal Exclusionary Rule in Relation to the Fourth Amendment as Applied and Interpreted by the U.S. Supreme Court. *Missouri*.
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## BOOK REVIEWS

*The Budgetary Process in the United States: Committee for Economic Development Research Study.* BY ARTHUR SMITHIES. (New York, Toronto, and London: McGraw-Hill Book Company, Inc. 1955. Pp. xxi, 486. \$6.50.)

*The Budget in Transition.* BY SIDNEY G. TICKTON. (Washington, D. C., National Planning Association, Planning Pamphlets, No. 89. A Staff Study prepared for the Business Committee. 1955. Pp. ix, 50. \$1.00.)

*The Need for Further Budget Reform.* A JOINT NPA STATEMENT. *The Federal Budget and the National Economy: How to Make the Federal Budget a Better Tool of Fiscal Policy.* BY GERHARD COLM WITH THE ASSISTANCE OF MARILYN YOUNG. (Washington, D. C.: National Planning Association. Planning Pamphlets, No. 90. 1955. Pp. vi, 101. \$1.50.)

*The Budgetary Process in the United States* was written by Arthur Smithies, Professor of Economics at Harvard, as an "aid" to the Research and Policy Committee of CED in developing recommendations for national policy. It bears some of the marks of a commissioned work; there are suggestions that a goal of formal coverage rather than intellectual *élan* moved the author. Nevertheless, there is no reason to doubt the essential freedom of the author to form and express his own opinions within the broad outlines of the commission. And he has produced a sometimes good and always useful—though misleadingly titled—book.

The title raises the expectation that here, at last, is a successor to A. E. Buck's *Public Budgeting*. But, in the first place, attention is limited to the national scene, and while there are some references to British practice there is no treatment at all of state and local budgeting. And in the second place, there is no attempt to treat all the aspects of budgeting *seriatim* and equally; the author states, for example, that "it has not been feasible to consider the accounting and reporting systems that are needed except in a very general way" (p. 18). This is not to criticize, but only to help in describing Smithies' book. Perhaps a generation of increasing data but diversifying theories and approaches makes another *Public Budgeting* a senseless, if not impossible, goal. We "know" more than Buck did in 1929, but few of us are as sure of it.

In the fore part of the book, in parts titled "Introductory Background" and "The Setting of the Problem," the author has provided a useful summary of much historical and institutional data. Part Three moves on to "Improvement of Congressional and Executive Procedures," and Part Four is given to "The Defense Budget." (Frederick Mosher was associated with the author in the summer of 1952, and his *Program Budgeting: Theory and Practice* is a much more extensive treatment of many of the same themes.) Part Five is a review of five of the most important "Non-Defense Programs"—e.g., "Veterans Benefits." Part Six consists of a single chapter on "The Economic Impact of the Budget."

In its review and summary of data alone the book makes a useful contribution. Though less than encyclopedic, it covers much more ground than any

other recent book on national budgeting. Nor is it limited to the mechanics of budgeting. There is a review of areas of public policy, and even discussion of the economic impact of national budgeting and financial policy. The author has listened intelligently and sympathetically to many points of view; he has examined a great mass of documents, personally observed the processes he discusses, and brought to a reasonably sharp focus a multitude of data.

Nor is the book limited to description and analysis. There are many prescriptions for improvement, most of them set forth in precise, concrete form, and some of them of major importance. Indeed, *improvement* of the budgetary process is the major theme of, or reason for, the book. In the case of appropriations procedures, for example, nine recommendations are made (pp. 183-184), including one that "The Congress should require that the President's budget be submitted during March each year"—omitting green-sheet detail but containing more program information; and one that "Appropriations should be recommended and enacted in an omnibus appropriations act, subject to veto by the President of legislative riders and other extraneous items."

Perhaps the most significant recommendation—certainly the most interesting to the reviewer—is that there be a separation between "program" review and authorization and "operations" review and improvement, on both the Executive and the Legislative side of the budgeting process. Present procedures, it is argued, attempt to do both simultaneously, with the result that they do neither well. The task as presently institutionalized is "unmanageable" and must be split. "The detail that is needed for a review of the past complicates and obscures the programs for the future. On the other hand, the review that is conducted does not get to the heart of the question of economy and efficiency which is its main purpose" (p. 171). Two "budgetary" cycles a year are projected, utilizing somewhat different personnel and institutions. The review of performance is to be completed before the review of program is far advanced, and to be taken account of in making program determinations.

Except for one note of caution or suspicion below, there is no attempt here to evaluate this scheme. Indeed, space does not permit presentation of the scheme in enough detail for its essential understanding, much less for its thorough discussion. Suffice it to note that the proposal is closely related to the issue of program budgeting versus traditional line-item budgeting. It attempts to obtain the objectives of the former while retaining the advantages of the latter. Sober second thoughts about (and continuing "political" dissatisfaction with) program budgeting make the inquiry a relevant and important one.

The argument of the book follows a wavering and obscure path between economics on the one hand and political science and public administration on the other. This is not said in special criticism of the book. Budgeting is naturally of interest to economists, political scientists, and specialists in administration. And indeed the phenomena involved are, could be, or should be of interest to other disciplines. But phenomena bounded and criss-crossed by two or more disciplines are perhaps especially subject to distorted or incomplete treatment. And I believe that this can be illustrated in the present book.

The book, writes Smithies in his Preface, is "the work of an economist. Budgeting is essentially an economic problem, involving as it does the allocation of scarce resources among almost insatiable and competing demands. The economist's creed compels him to maintain that decisions that result from deliberate choice among alternatives yield more satisfactory results than those made by less rational methods" (p. xv). Few would disagree with this creed, and the analysis given may well help us on the way to more rational decision-making in national budgeting. But there is substantially nothing in the analysis that is peculiar to economics as a discipline—no special tools of analysis, no conceptual apparatuses. If economics has a contribution to make to public budgeting (as apart from economic or fiscal policy) it would appear to be only in a strong "bent" toward organization for rational decision-making. The procedural refinements of economic theory have little or no relevance to choices among alternatives of public policy. This Smithies acknowledges (p. 27) in discussing the great difference between the "firm" of economic theory (with its hypothesized profit-maximization objective) and a university, with its diffuse and controversial objectives.

But the author does not limit himself to procedural refinements. (We will put aside here the question whether even these are not policy matters.) He is certainly, if not inevitably, addressing himself to questions of public policy. There is a disclaimer, no doubt honestly entered, in the first page of the Preface, that "I must take policy objectives as givens," but attitudes, generally "intelligent" from the reviewer's point of view, are struck on one issue of public policy after another throughout the book. Incidentally, it is also stated (p. 9) that a distinction between budgeting and policy-making is not feasible. It is possible, of course, to argue that organization for rational decision-making can be separated as a problem from specific decisions on public policy, whether these decisions are purely "financial," purely "policy," or both combined. The reviewer happens to regard such argument as specious. Yet economics as a discipline has for some time been busily engaged in "dealing itself out" so far as most policy questions are concerned.

These observations are related, I think, to the author's treatment of "efficiency and economy." This phrase is for the most part taken "on faith," and the analytical and critical literature of the past fifteen years has not been examined. It is assumed or asserted (p. 14) that there is a "practical" if not "logical" distinction between a "programing" question and an "efficiency" question. Upon this assumption or assertion the two types of budget review have been built. Now the "practical" distinction may be enough to justify new institutional arrangements. But for some time administrative students have been aware that questions of mechanics (say of organization) are inseparable from program decisions, and the desirability of the split review must be considered in the light of considerations which Professor Smithies has ignored (except occasionally—see p. 367, n.).

Sidney G. Tickton's *The Budget in Transition* was designed, according to the preface, "to be entirely factual and take no policy positions." In this it is highly



successful. Though the matter discussed is highly charged with partisan politics there is not even a shading of a word to suggest that Mr. Tickton himself has a partisan opinion.

The booklet deals with the "major policy decisions during recent years" which have "changed the treatment, form and method of reporting some U. S. Government expenditures and the timing of some U. S. tax receipts" (p. viii). These decisions have been made variously by Congress, President, and Budget Director. The effect of the changes has been to reduce the *accounting* totals reported for Federal expenditures for the fiscal years 1951-1956 by not less than \$2.5 billion and to increase the *accounting* total of receipts by at least \$6.8 billion. As a result the budget, on a consolidated cash basis, will show for the six years combined a \$400 million surplus instead of a \$7.6 billion deficit. While the budget changes discussed began before the present Administration, they touch the issue of a "balanced budget" and will no doubt be heard of in the coming campaigns.

These changes in proceedings are generally thought to affect accounting totals only (an example was the decision to treat tax refunds as deductions from taxes received instead of an expenditure item, which had the effect of reducing both receipt and expenditure totals by more than \$2 billion). But it is relevantly pointed out that there is a psychological effect of any report of a government deficit or surplus. On the basis of whether or not there is a reported deficit or surplus—or even of the reported over-all size of the government's financial operation—decisions are likely to be made which affect the "real" financial position: functions may be curtailed or added, taxes lowered or raised.

Appendix Tables illustrate the effects of the budgetary changes, and there are a series of "Historical Notes" appended—extracts from various sources "not readily available to the public." In the reviewer's opinion, these serve no function and should have been omitted. How payment for Florida was financed might interest an historian, but it sheds no light on present problems.

The third item under review consists of two documents, plus appendixes. The first document, a brief five pages, titled "The Need for Further Budget Reform," is a joint statement of policy by NPA committees. The statement urges increasing use of "economic projection" in national budgeting and economic management and longer-range perspectives in budget formulation and authorization—with appropriate institutional changes. In this connection, it is urged that the Joint Committee on the Economic Report (appropriately renamed) be given the assignment of taking the long and broad view, since at the present time, "no congressional committee gives specific consideration to the budget as a whole."

The monograph by Gerhard Colm, with the assistance of Marilyn Young, titled "The Federal Budget and the National Economy" is a gem. Here in fifty-six pages is a useful summary of much past and contemporary budgetary practice, a lucid exposition of various alternative "budget rules," and a well-presented argument for a "rule" proposed by the authors.

The problem as it is presented is one of "finding a way by which economical-

ly sound and politically sound rules of budget policy can be reconciled" (p. 40). The "political rule" is that of a "balanced budget." This sentiment cannot be ignored; it is an important political fact. Moreover, it is solidly rooted in the fact that some sort of "discipline" is needed when the market discipline of private-enterprise budgeting is not present. On the other hand, public events during recent decades have produced a situation in which government fiscal policy and national economic life are intimately related; and economic theory that justifies government fiscal and economic policies in the interests of stability or high productivity is now widely accepted.

Colm and Young examine *seriatim* "The Balanced Budget Rule," "Balancing the Budget over the Cycle," "Balancing the Consolidated Cash Budget," "Balancing the Budget under Conditions of High Employment," and "Balancing the Budget of Current Expenditures." All are found inadequate for the task. The authors take "full employment" as the keystone of good budget policy, but they seek to avoid what they regard as rigidities and inadequacies of past schemes. What they envisage depends upon a "sanguine opinion of the possibilities of economic analysis." They urge that the economic projections now used intramurally be published and that budgeting, fiscal and economic policy be based thereupon. This means institutional adjustments, for example the bringing together with greater flexibility in policy execution of "full employment" and "budgeting" apparatuses and longer time-spans in policy making. The argument is cogent. But obviously the scheme implies a degree of trust in economists and in politicians and bureaucrats which, as a nation, we are a long distance from having.

The two appendixes, "Four Concepts of Federal Receipts and Expenditures" and "Federal Capital Assets and the U. S. Budget," are recommended for anyone who wants a good twenty-minute course on these subjects.

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*Nationalism and Revolution in Mongolia.* BY OWEN LATTIMORE. *With a translation from the Mongol of Sh. Nachukdorji's Life.* BY OWEN LATTIMORE AND URGUNGGE ONON. (New York: Oxford University Press. Issued under the auspices of The International Secretariat, Institute of Pacific Relations. 1955. Pp. x, 186. \$4.75.)

The posthumous demotion of Stalin from his place in the Communist pantheon has aroused natural speculation as to the fate of its minor deities. Such a one is undoubtedly the Mongol Sukebatur who, before his death in 1923 at the age of thirty, had played a dominant role in the series of events by which Outer Mongolia secured Soviet aid in order to free itself from Chinese and "White" Russian invasion, and by so doing slid itself firmly into the orbit of a Soviet satellite from which it has never since been shifted. In 1943 a brief life of Sukebatur was published in Outer Mongolia by Sh. Nachukdorji, and it is a translation of this work by Professor Lattimore and one of his Mongol collaborators, Urgungge Onon, that forms Part II of the present volume. The work,

which is, incidentally, probably the first modern Mongol work to be made available in a western translation, is interesting as an example of Communist hagiography among a still comparatively primitive people and also for the light it throws on the way in which the ruling circles in Outer Mongolia saw the early history of their *régime* at the time of writing.

Professor Lattimore's introduction, which takes up the first half of the volume, deals with the whole question of historical reputations in countries where historical writing is a conscious part of political indoctrination, with particular reference to the changes in the role ascribed to Sukebatur himself and to his successor Choibalsang. It also contains an account of the historical relationships of the Mongols with the Chinese and with the Manchu Empire, and the repercussions on Mongolia's economy and society of the increasing nineteenth-century involvement of China with the world market. In the light of these developments Professor Lattimore is able to give a convincing explanation of how Mongolia became first a satellite of Tsarist Russia, which was interested in creating a buffer-State here, and subsequently of Soviet Russia. The latter development, which was essentially a seeking-out of Soviet aid for the purposes of assisting both in keeping the country's independence of China and in fulfilling the aspirations of a revolutionary segment of the population, leads Professor Lattimore on to a general discussion of the nature of the "satellite" relationship. So far, certainly, Mongolia has been the best working-model of such a relationship; though one may wonder how the opening of direct railroad connections between Russia and China across its territory (announced in January, 1956) may affect its role in the future. The question is whether the model is of general application.

It may be worth quoting Professor Lattimore's definition (p. 41):

The unmistakable satellite may be defined as the country whose domestic policies, as well as its international relations, simply cannot be discussed with candor and realism without reference to the domestic policies, social and economic character, or "way of life" of the protecting or controlling country in whose orbit it moves. There are also, however, countries that have much less effective sovereignty than the satellite, such as the protectorate and finally the colony, whose sovereignty is institutionally vested in the possessing country. An essential difference between these classes of countries with abated sovereignty or no sovereignty at all is that the satellite is under strong pressure, sometimes amounting to coercion, to remodel its internal life, social structure, political institutions, and economic methods on those of the country in whose orbit it moves, while normally the protectorate and the colony are prevented, by the policies of the protecting or owning country, from doing these very things.

It may be remarked that Professor Lattimore's view of the "colony" or "protectorate" is a somewhat one-sided one; Professor Lattimore's principal weakness has always been an unreasoning prejudice against the "Colonial" Powers; and it may well be that there are other reasons besides their objections why their protectorates and colonies, or some of them, do not move towards assimilation of the Colonial Power's political or economic institutions in every respect.

With this warning it is worth quoting Professor Lattimore's own list of the satellite characteristics (p. 42):

1. The *régime* in the satellite country came to power with the aid of the *régime* in the country in whose orbit it moves.
2. The *régime* in the satellite country does not merely accept, but actively wants the satellite relationship.
3. It could not survive without the support and protection of the dominating power.
4. The individuals, social classes, or groups within classes who are the core of the *régime* identify their interests with those of the dominating country (and those of the *régime* in the dominating country) more unequivocally and more consciously than does the population at large.
5. Outside of the *régime* there exists in the satellite country either an actual or a potential, latent opposition which is as hostile to the protector of the *régime* as it is to the *régime* itself.
6. If the opposition were to overthrow the *régime*, the result would probably not be full independence but gravitation into the orbit of some country other than, and probably hostile to, the country protecting the actual *régime*.
7. The *régime* in the satellite state therefore must, and wants to, model itself on the *régime* in the protecting country; its aim is to develop the satellite state under policies that will eventually make it homogeneous in social composition, economic characteristics, and political institutions with the state in whose orbit it moves. It regards the fulfillment of such policies as a desirable process of catching up.
8. Because of all the foregoing characteristics, any variations within the dominant state are promptly reflected within the satellite state.

In the light of this analysis, Professor Lattimore is able to develop a theory of the nature of Soviet expansionism and its peculiar features, which is certainly a considerable advance on the well-worn and fruitless theme of "parallels" between it and Tsarist "imperialism." For one thing, it enables one to look for differences where they exist; and these differences may still prove to have their importance. China is clearly an ally, not a satellite; and North Korea is thus the only other Asian nation to "enjoy" satellite status; in Europe we have Poland, Czechoslovakia, Hungary, Rumania and Bulgaria on Professor Lattimore's list, to which presumably we should add Albania. Elsewhere, Professor Lattimore's concept of the "irreversible minimum" (i.e., the friendly buffer-State) as the basis of Soviet policy pending further periods of Communist expansion enables him to explain the fact that Finland, for instance, has escaped this role. On the other hand, in one way the Mongolian example may be misleading, because in the case of all the European satellites with the exception of Czechoslovakia, it is difficult to see that the initial impetus to create a satellite *régime* came from within. The nearest parallel to Outer Mongolia would actually be Yugoslavia, which is for the moment not a satellite at all.

It is the fact that the Soviet Union so clearly intended to overstep, for instance in the case of Poland, the "irreversible minimum" that makes it hard to agree with Professor Lattimore's view that "there is evidence that the Russian leadership . . . hoped towards the end of the war and for a while after it that there was going to be 'peaceful co-existence' " (p. 65), unless what he has in mind is the very special meaning of "peaceful co-existence" from which the Soviet Union has never in fact departed at any stage. Nevertheless the Mongolian story is worth having for the light it throws on Asia if not on Europe; and the present volume is one more of the many services which Professor Latti-

more's particular knowledge of the Inner Asian frontiers of China over the centuries has enabled him to render to students of contemporary affairs.

MAX BELOFF.

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*Law in the Middle East. Volume 1: Origin and Development of Islamic Law.*

EDITED BY MAJID KHADDURI AND HERBERT J. LIEBESNY. (Washington, D.C.: The Middle East Institute. 1955. Pp. ix, 395. \$7.50.)

*War and Peace in the Law of Islam.* BY MAJID KHADDURI. (Baltimore: The Johns Hopkins Press. 1955. Pp. x, 321. \$5.50.)

Islam is the religion of one sixth of mankind—the faith of overwhelming majorities in some sixteen nations from Morocco to Indonesia and of substantial minorities in a wide belt from the Gold Coast to the Philippines. The Middle Eastern core of this Islamic region has received a good deal of attention from Western students of history and politics ever since the rise of European power and the decline of the Ottoman Empire created what our ancestors called the Eastern Question. Quite recently, moreover, political scientists have proceeded from the traditional study of Middle Eastern diplomatic entanglements to a more systematic exploration of the domestic political forces that determine the region's response to its international environment. Among these forces the religious, intellectual, and legal tradition of Islam, holds without a doubt a crucial place; yet it is safe to say that Islam in its legal aspects has remained *terra incognita* for all but a small circle of experts.

The Middle East Institute, by inviting a select group of such experts to undertake a concise and authoritative survey of the major facets of Muslim law, has gone a long way toward charting this territory for the layman. The result has been a collective work on *Law in the Middle East*, of which the first volume, subtitled *Origins and Development of Islamic Law*, has just been published. The fifteen chapters have been contributed by fourteen specialists, nine of them prominent Middle Eastern teachers or practitioners of law and five of them scholars of Western Europe and this country. In content they range from historical studies of the development of Muslim constitutional doctrine and of the origin and sources of the *shari'a* (or sacred law) to a systematic analysis of family law, penal law, the law of contract and of pious foundations, and judicial organization and procedure. A chapter on "Shi'i Legal Theories" touches on an important topic generally overlooked by those who equate Islam with *sunni* (or orthodox) Islam. The evolution of Islamic law after the fifteenth century is highlighted in a chapter on "The Development of the Shari'a in the Ottoman Empire," and European influences are reflected in chapters on "The Development of Western Judicial Privileges" and on "The Majalla," a nineteenth-century Ottoman codification of the law of contracts and torts. Professor Khadduri, whose chapter on "International Law" concludes the volume, has treated the same matter more fully in his *War and Peace in the Law of Islam*, an expanded and revised version of a book first published in London in 1941.

In his preface to the volume on *Law in the Middle East* the late Justice Robert

H. Jackson strikingly observes that "in its source, its scope, and its sanctions, the law of the Middle East is the antithesis of Western law." Law in the West has long been a secular concern, whereas Islamic law rests in large part on the divine revelation of the Koran. Yet the gap, for a variety of reasons, is perhaps not so wide as it might seem. Muhammad was the founder of a commonwealth as well as of a religion—to a Muslim indeed the two aspects of his work are all but indistinguishable. Partly as a result, Islam has never developed a priesthood as a distinct class interceding between the believer and the Deity, so that the sway of Islamic law does not necessarily imply priestly rule over worldly affairs. The Koran itself is only one, albeit the most revered and least changeable, of the four recognized sources of the *shari'a*. Muslim legal doctrine thus does not conform to the rigid patterns that a Westerner might expect to find in a body of religious law. Two other sources—consensus and analogy—provided much room for flexibility, even though their use was frowned upon in later centuries. The most important non-Koranic source was the *sunna*, or practice of the Prophet and his companions as attested by verbal tradition from generation to generation in early Islam. As Professor Joseph Schacht demonstrates in his two chapters on the subject, these traditions became a favorite device in the hands of early Muslim jurists for expanding the Koranic legal doctrine, as revealed in the Arabian trading centers of Mecca and Medina, and adapting it to the needs and customs of conquered populations in Syria, Iraq, and elsewhere. The later coexistence of four different schools of law, each adhering to its own interpretation of basic doctrines yet all alike recognized as "orthodox," is vivid testimony to the flexibility and pragmatism of early Muslim jurisprudence. In some of the large urban centers, we learn, the defendant in a suit brought before one judge even was given the choice of having it transferred to another judge of his own school. At all times, moreover the *shari'a* was supplemented with the edicts of rulers and the customs of communities.

In its careful attention to precedent, in its slow accretion and steady amalgamation of disparate elements, Muslim law would seem to display a certain affinity to the Anglo-American tradition of common law. One contributor even suggests that the Muslim law of pious endowments may have directly influenced the much later development of the concept of use or trust in English law. This affinity between Muslim and Western law would probably have emerged with even greater clarity if, in a text intended primarily for the layman, the editors had checked the tendency of some of the contributors to overuse Arabic technical terms. Some two hundred such terms are explained in a four-page glossary. A good half of these, nevertheless, have close English equivalents which could conveniently have been substituted in the text; and surely the reader could have been spared the trouble of having to digest, without benefit of glossary entry or parenthetical translation, such Arabic phrases as "*ahlu-l 'adl wa'l-tawhīd*" ("People of Justice and Monotheism," a name given by *Shī'īs* to their own group) or "*ikhtilāf uṣūl al-madhāhib*" ("conflict among the sources of the schools of law").

In a prefatory note to *Law in the Middle East*, the late Mr. George Camp

Keiser, Chairman of the Middle East Institute's Board of Governors, indicates that a survey of "the modern legal systems of the Middle Eastern countries" is planned as a second volume. One hopes that Mr. Keiser's successors will make it possible for the editors to proceed to the completion of the work without undue delay, and that the active cooperation of leading scholars both in the West and in the Middle East itself will again be enlisted. The first volume accurately reflects the present state of scholarship in the field by dealing largely with the theories and doctrines which Muslim jurisprudence has developed since the early centuries of Islam. Similarly, Professor Khadduri's work on *War and Peace* gives a lucid exposition of the development of legal relations between Islam and non-Islamic communities. A suitable topic for the forthcoming second volume, on the other hand, might be "Law and Society in the Middle East." In it the reader would expect to find a discussion of such topics as the relationship of law as dispensed by the *qāḍī* in the city to the autonomous legal usage of villages and nomadic tribes; the changing patterns of recruitment and training for the legal profession; and the effect of the Islamic prohibition of usury on modern commerce and banking. And no one would be better qualified than Professor Khadduri to supplement his present work with a systematic examination of legal relations among nations *within* the Islamic community—from the peace treaty of 1555 between Sultan Sulayman and Shah Tahmasp to the Arab League of our own day. By helping in some such fashion to bridge the historic gap between legal doctrine and legal practice in the Middle East Professor Khadduri and Dr. Liebesny will greatly augment the debt of gratitude that students of comparative law and comparative politics already owe them.

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*Proposals for Changes in the United Nations.* BY FRANCIS O. WILCOX AND CARL M. MARCY. (Washington, D.C.: The Brookings Institution. 1955. Pp. xiv, 537. \$5.00.)

The Tenth General Assembly has secured at least a two-year breathing period during which the Members of the United Nations may consider what changes in the Charter are desirable in the light of experience since 1945. The study under review should be required reading for both officials and non-officials confronting the general and specific problems of revising the United Nations system. Wilcox and Marcy have written a scholarly work that analyzes in close, discriminating detail the various proposals for change that have been advanced by governments, interest groups, and individuals. Furthermore, they cite the experience of the United Nations to date that has given rise to the various proposals. Developments in the United States receive particular attention principally because this government has been more interested than most in Charter review, and because many Americans, for widely varying reasons, want to revise the Charter. Students of international affairs will wish to examine also the studies prepared by the Carnegie Endowment for International Peace for the views of governments other than the United States, and the specific proposals of the Commission to Study the Organization of Peace.

The authors are admirably qualified for their task. Both have served in the State Department and on the staff of the Foreign Relations Committee of the United States Senate. Indeed, their work is essentially a staff paper although its style and readability will commend themselves to the interested lay reader. The work furnishes evidence of the careful policy planning that, since the Dumbarton Oaks Conference, has characterized the definition of American interests with respect to international organization. Policy planning of such calibre and involving cooperation at both ends of Pennsylvania Avenue can exploit in a positive way the division of foreign policy control between two independent branches of government. It also accepts as a major premise ultimate control by public opinion. Such care in the formulation of foreign policy under the separation of powers is not a guarantee against error, but it has gone a long way to chart the shoals on which foreign policy can founder. The reader may be forgiven for speculating how foreign affairs might have been conducted in 1919-20, or 1935-39, if the Federal Government had had such able staff work at the fingertips of both Presidents and Congressional leaders shaping our foreign policy.

Changes in the United Nations by Charter amendment will probably be few and far between in the foreseeable future, however, for, as the authors point out, agreement sufficient to command the necessary two-thirds support is not likely. Should such agreement be forthcoming, there remains the well-nigh insuperable obstacle of big-power unanimity which is required for all amendments. For example, some member governments as well as pressure groups within governments seek to restrict the organization's authority, while others wish to expand it. Attitudes, of course, vary with the changes proposed.

Both expectations and interest in Charter amendment procedure have dwindled markedly since the bitter struggles at San Francisco in which the small powers exacted the assurance of Charter "review" at the end of ten years as part of their pound of flesh for the big-power "veto." But the lack of amendments has not resulted in a dearth of changes. The organization has grown quite differently from what was expected of the fledgling hatched at the San Francisco Conference. "The Charter, like the Constitution, has proven flexible enough to be adapted to many new situations without the need for formal amendment" (p. 9). Yet, the authors hasten to add, "the amending process set forth in the Charter is a comparatively flexible one," since many treaties cannot be amended without the support of *all* the signatories (p. 26).

The methods used to effect changes in the United Nations without amendment are set forth in considerable detail. Certain articles of the Charter have never been applied; others have been interpreted by custom and usage to mean something quite different from what the framers at San Francisco first said they meant; supplementary agreements like the Headquarters Agreement have been concluded; subsidiary organs have been created, some of them in spite of bitter disagreement among the Security Council's permanent members, as in the case of the Interim Committee and the Commission for the Unification and Rehabilitation of Korea. One need only recall how the balance in security matters has shifted from the Security Council to the General Assembly—a shift that



was unmistakably plain even prior to the Uniting for Peace Resolution during the United Nations action in Korea—to gain some idea of the flexibility inherent in a system that is more political than legal. With the shift in emphasis from cold war to competitive co-existence, one should add, the pendulum may be shifting part way back to the Security Council as suggested by the Hammarskjöld mission to the Middle East. We are reminded, for example, that the role of the International Court of Justice in Charter interpretation is only implied and that the implication is not necessarily firm at that, since the Court's advisory opinions, permitted "on any legal question," have no binding legal effect. Consequently, the Charter may be interpreted pretty much as a majority of the Members wish on any specific issue. To date, the General Assembly, the only United Nations organ to request advisory opinions, has limited itself to seven such requests. Some governments, however, have urged a greater role for the Court in interpreting the Charter.

Although the authors argue that flexibility has been an important means of survival for the United Nations, they warn that "it is necessary to strike a balance somewhere between the extreme positions of loose and strict construction" (p. 461). If unwise attempts are made to seek changes that cannot be achieved by the formal amendment process, the recommendations of United Nations bodies may be ignored and its influence weakened as a consequence.

The authors have made an important contribution both to the study of international organization and to the decision-making process in foreign affairs. The other six volumes in the Brookings series will have to be very good indeed to match the standards set by Wilcox and Marcy.

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*Development towards Self-Government in the Caribbean: A Symposium Held under the Auspices of the Netherlands Universities Foundation for International Cooperation at The Hague, September, 1954.* (The Hague, Bandung: W. van Hoeve, Ltd. 1955. Pp. xi, 285).

These papers, published by the Netherlands Universities Foundation for International Cooperation, were originally delivered by French, Dutch, British, and American scholars who participated in a series of discussions at The Hague in September of 1954. Apart from the excellence of the individual contributions the outstanding impression one draws from these essays is the excellence of the Caribbean as a laboratory for the study of constitutional and economic development against the background of the forces of nationalism, the struggle of small economic units for survival, and the factors promoting federation as a solution. Few areas in the world present such interesting facets for study by the political scientist.

What emerges is the striking similarity of approach, both on the part of the peoples of the different Caribbean areas discussed and of the outside powers involved. As Dr. Henry Wells, a mainland American and Professor of Political Science at the University of Puerto Rico, points out in one of his papers, de-

pendent peoples face the three choices of assimilation, association, and independence. With the exception of Martinique and Guadeloupe, which in 1946 achieved the status of French departments, assimilation has been rejected. Independence has followers in Puerto Rico but, in the general election of November of 1952, this group polled only 19 per cent of the votes cast. In the British West Indies, the desire for federation has won a clear victory, independence being conceived in terms of ultimate dominion status. In the case of Surinam and the Netherlands Antilles, the new Kingdom of the Netherlands is based on association and the desire to maintain ties with the Netherlands instead of completely rupturing the relationships. As to the powers involved, since World War II each has moved rapidly to satisfy the aspiration for self-government and, although the particular measures taken have varied, the same core of realism and intelligent adaptation to postwar pressures has prevailed.

That the solution chosen for the French West Indies was assimilation need cause no surprise, since as the authors of the papers concerned (Eugene Revert, George Spitz, and Luc Fauvel) make clear, little nationalist sentiment exists in these islands, where cultural and economic ties with France have always been strong. The British West Indies present perhaps the most fascinating complex of problems. Consisting of eight separate governments, with marked differences in historical background and constitutional and economic development, stretching over a wide area, their evolution towards federation and the now near goal of dominion status evidences what clear-headed statemanship can achieve. C. M. MacInnes and E. W. Evans present an excellent analysis of the political evolution of these governments, showing how as late as 1939 the principles of Crown Colony government were re-affirmed and responsible government was not considered appropriate for the West Indian Colonies, although sympathy was given to the principle of increasing popular representation in the local legislatures. But, with World War II and a new declaration of the aims of British colonial policy, there is a break with the past, and efforts are directed towards promoting the transition to responsible government. The fruits of this new policy are seen in the new Jamaica Constitution of 1944 which, as modified in 1953, fixed the leadership in a policy-determining Executive Committee, consisting of ministers selected by the lower house, the latter itself elected entirely on the basis of universal adult suffrage. With this new Jamaica Constitution as a model, semi-responsible government was also introduced in Trinidad and other territories of the British Caribbean. However, in a penetrating analysis of power factors, Colin A. Hughes stresses that West Indian political parties, in the past weak and prone to fragmentation, now face the necessity of organizing a "stable party system," which is "the only basis on which the responsible government towards which they are advancing can be worked."

Surinam and the Netherlands Antilles now also enjoy autonomy. The Netherlands, influenced by its experience in Indonesia and in fulfillment of war-time pledges by Queen Wilhelmina, had made their autonomy complete by 1950. J. H. A. Logemann analyzes the legal characteristics of the new Kingdom of the Netherlands which came into being at the end of 1954. Surinam, the Nether-

lands Antilles, and the Netherlands participate on the basis of equality in the new Kingdom but, since "equality in status" could not be "reconciled with a disparity in function," the leadership of the Netherlands is accepted in those fields where the "small Caribbean territories can hardly rely on their own strength." Logemann shows how both negative and positive forces explain the desire for association. Surinam and the Netherlands Antilles have no desire to associate with any other country in their area and, at the same time, they do "bear a clear Dutch cultural imprint." Furthermore, the present arrangement does not prevent possible independence for either in the future, since the Kingdom can be dissolved by agreement of all three partners.

If economic motives and reasoned self-interest give the clue to both the emerging British Federation of the West Indies and the Kingdom of the Netherlands, they also explain the new Commonwealth of Puerto Rico. Cultural differences and political realities make statehood only a remote possibility; poverty in resources and economic dependence on the United States cause most Puerto Ricans not only to spurn but also to fear independence. As Wells shows, with its new constitution the island is no longer to be considered non-self-governing, and it has possibilities of even a wider measure of freedom in the future. Thus, the picture for all these small units in the Caribbean—whether British, Dutch, or Americans are involved—presents striking similarities, above all in the flexible nature of the agreements reached.

This is an area of the globe from which much will undoubtedly be heard in the future. These papers, which also include a summary of the discussions and an excellent bibliography, constitute a valuable contribution to the literature.

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*Economics and Public Policy: Brookings Lectures, 1954.* BY ARTHUR SMITHIES, JOSEPH J. SPENGLER, FRANK H. KNIGHT, JOHN JEWKES, JACOB VINER, AND LIONEL ROBBINS. (Washington, D.C.: The Brookings Institution. 1955. Pp. vii, 157. \$2.00.)

As nuclear physicists have lately learned, the road from science to policy is hard. It is (or should be) a road more familiar, perhaps, to the economist than to other social scientists; for the economist has—historically and even today—been relied on much more heavily for policy advice than have his colleagues in the other social sciences. It is all the more interesting, then, that familiarity seems, in this case, to breed respect rather than contempt for the difficulties involved.

This, at any rate, seems to be true of the six distinguished economists—four from the United States (one via Canada), two from England—who in 1954 delivered at the Brookings Institution the six lectures that form the essays in the volume under review.

It would be tedious to review each essay, even if that were possible in this short space. As one might expect, not all the essays are of equal quality; but

this is the usual fault of such a series. One kind of unevenness is worth mentioning: one is struck particularly by the variations in style. The Englishmen, of course, write much more fluent prose than the Americans, who sometimes seem to have composed with pens tipped in tar—or typewriters stuffed with cold oatmeal.

Equally striking is the familiarity of the problems, of the alternatives posed, and of the answers proposed, a fact that suggests two observations. First, the essential problems of translating theoretical knowledge into policy are about the same, irrespective of content. And second, economists do not have any solutions to these problems noticeably more sophisticated than those bandied about for some time among political scientists. The first is encouraging, for it indicates that the problems can be fruitfully studied independent of content—at least in part. The second is depressing, for one is entitled to the hope that economists, with their relatively more powerful tools for theoretical analysis, might plumb the depths a little more deeply.

What then are these problems? There is, to begin with, the old familiar question of the limitations of “science” in determining policy. As Arthur Smithies points out in the opening essay, it was not so long ago that welfare economists under the influence of Pigou were extraordinarily (one is tempted to say naively) optimistic about the possibilities of determining unequivocally the “social optimum” by means of theorems deduced from a small number of apparently acceptable postulates. By now, most economists seem to have rejected this view in favor of what is surely the more sensible position that economic theory can, at most, throw some light on some of the probable consequences of some of the alternatives—some of the time.

There is also, of course, the closely related and equally ancient, if steadfastly difficult, problem of the interplay of fact and value in social theory. Smithies comes out unequivocally for the argument that since policymaking presupposes standards by which to evaluate alternatives, in his policy functions the economist must necessarily make some value commitments, and he had better do so quite openly and consciously. One might have hoped that in his concluding essay Lionel Robbins would have provided the counterargument, for which he is perhaps best known among political scientists, that the economist, *qua* economist, has no business, competence, or right to mix his own value judgments with his predictions about the probable economic consequences of different alternatives. But, as usually happens in collections of this kind, Robbins takes up a different topic (freedom and order) and so Robbins and Smithies talk right past one another. Even Frank Knight, to whom this territory is an old battleground, refuses to be tempted into this particular battle. Knight’s essay, by the way, is only remotely related to the alleged subject of the book; it is characteristically Knight-ian, and rather delightful. Reading Knight is a little like climbing a mountain with no trail; the labor required is prodigious and the underbrush is often overwhelming, but from time to time you do break out on some quite dazzling perspectives.

A third problem might be called the dilemma of rigor *versus* relevance. To use

a fanciful analogue, there seems to be a kind of Heisenberg Uncertainty Relation between the rigor of a social theory and its relevance to policy making. Beyond a certain level, an increase in rigor seems to be accompanied by a decrease in relevance, and conversely. In his essay, Jacob Viner has some words on this point that strike me as exceedingly wise, and I find myself wishing that economists would read and ponder his advice. Viner is in a peculiarly strategic position to comment intelligently on the issues involved, for he has made his mark as a theorist and at the same time he has had to deal responsibly with hard questions of policy. No one is more acutely aware than he that much of the most rigorous, elegant, and internally consistent theory in contemporary economics has slight relevance to questions of public policy.

There are other problems, but space permits mention of only one more. This is the question whether the economists can "without stepping outside their discipline, predict in the sense of telling us what will happen in the future." John Jewkes, who poses the question, argues with great force that they cannot, a view that is bound to make him unpopular with a great many of his colleagues. Political scientists, who are notoriously incapable of forecasting anything whatsoever that might not have been equally well or even more successfully predicted by a good newspaper reporter, may derive some wry satisfaction from the hard blows that Jewkes rains down on his fellow economists. For my part, any temporary elation arising out of the belief that we are all equally ignorant is quickly dispelled by the realization that if what Jewkes says is true, then we are still pretty much at the mercy of impalpable and uncontrollable economic forces.

In sum, then, one should look upon this volume as a well-tempered, somewhat meandering, and sometimes rewarding discussion of problems that have been of central concern to political scientists, and for which the economists also seem to have no new answers.

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*The Age of Reform: From Bryan to F. D. R.* By RICHARD HOFSTADTER. (New York: Alfred A. Knopf. 1955. Pp. viii, 328. \$4.00.)

If, as Hegel observed, "the owl of Minerva flies only at dusk," the reform epoch in American history must now be officially over, for the scholarly owls are in full and vigorous feather. Howard Quint in *The Forging of American Socialism*, David Shannon in *The Socialist Party of America*, and Daniel Bell in "Marxian Socialism in the United States" (in Egbert and Persons, Eds., *Socialism and American Life*) have performed the burial service for American Socialism; Robert Morlan has given the last rites to the Non-Partisan League in *Political Prairie Fire*; and Hofstadter's *Age of Reform* now joins Eric Goldman's *Rendezvous with Destiny* as an over-all interpretation of the relatively brief, but hectic and tumultuous, span of years which saw the transformation of the United States from a predominantly agrarian society to an industrial colossus.

Professor Hofstadter has written a superb book. Some Professional Scholars

may cavil that the work is "not original" since the author has profited from and cited the work of others, and a few may complain of "journalism", for the style is lucid and stimulating. But, in my estimation, *The Age of Reform* entitles Hofstadter to rank with C. Vann Woodward as a master of creative synthesis, as an interpreter of the past who can add to cold data an empathetic insight that transforms history from a book of the dead into a chronicle of life.

Hofstadter has presented an essentially "revisionist" treatment of the reform era. Liberal historians, following the great trail blazed by the Beards, have generally dealt with the reformers in a most uncritical fashion. *In nuce*, they described a struggle between the Powers of Light and the Powers of Darkness for the salvation of the American Soul. Assumed implicitly by this school was the inherent nobility of the Common Man: once mobilized, the People would instinctively rally to the righteous flag of reform. Thus the key to analysis of the period became the slogan, "The People against the Interests." True, there have been dissents registered against this Manicheism: studies such as Woodward's *Tom Watson* and Albert Kirwan's *Revolt of the Rednecks* suggested that there was much more ambivalence in the reform tradition than the Beards and their following had recognized. But it was left for Hofstadter, perhaps as the spokesman for a generation that has seen the Common Man rallied as often against the cause of freedom as for it, to destroy once and for all the myth of the Golden Age of reform when, in true western movie style, the Goods rode forth against the Bads and the issue was joined with no complexities to trouble the consciences of the sensitive.

Some corybantic liberals have seen Hofstadter's approach as another sell-out to the "New Conservatism," but such a charge is as childish as it is inaccurate. Hofstadter is a liberal historian and, unless one believes that illusions about his ancestors are mandatory equipment for the liberal, he has strengthened rather than weakened the liberal tradition. In fact, a frank recognition of the liabilities of the reform tradition is symptomatic of a new maturity of the liberal viewpoint and a willingness to face the unpleasant reality that the Good Crusade must be launched most frequently on behalf of a partial truth.

Since a review is not an abridgment, suffice it here to say that Hofstadter has demonstrated effectively that the reformers were a mixed bag. He has subdivided the tradition into rural and urban wings—the Populists and the Progressives—and indicated the strengths and weaknesses of each. His discussion of the Populists is particularly suggestive, for he points out that the pseudo-radicalism of the agrarian reformers was actually founded on a militant devotion to the capitalism of Adam Smith which found itself frustrated at every turn by the subversive, anti-capitalist activities of big business. Similarly, he suggests, the seeming radicalism of the Progressives was based primarily on a nostalgic conviction that the United States should remain a nation of small businessmen. The unity that existed between the urban and rural reformers was thus built around the politics of nostalgia rather than an ideology—a fact that was both its immediate strength and its long-run weakness.

I have three criticisms to register, or perhaps two criticisms and one semantic

quibble. First, Professor Hofstadter has neglected entirely the Socialists, and the latter group, in my opinion, deserves inclusion in his "Progressive" category. While the Socialist Party had its quota of ideologists and Marx-choppers, its great success in the period 1900-1914 must be understood in terms of its reformist characteristics. When the Socialists elected mayors, it was no tribute to the power of doctrine, but rather was explicable only as triumphs of local, municipal reform programs. Boss control of both old parties led reform elements to adopt the Socialist label, and the success of "gas and water socialism" should be added in with the reform victories achieved on the non-Socialist line. It was when the American Socialist Party tried to be Socialist in the dogmatic sense that it lost its rank and file. This loss is not apparent in the membership totals because as the "gas and water socialists" departed from the organization their places were taken by an influx of members, largely in the foreign language federations, attracted by the Russian Revolution. As Morlan has pointed out, the Non-Partisan League was inspired by ex-socialists alienated by the doctrinaire position of the Party on agriculture.

Second, I disagree with Hofstadter's attempt to disengage the New Deal from the reform tradition. His thesis, in brief, is that the impetus and direction of the New Deal marked a break with the main currents of reform, and that the Roosevelt administration abandoned the decentralist, *laissez-faire* goals of past reforms for a new set of quasi-Hamiltonian objectives. Here I have the feeling that Hofstadter over-exerted his talents in order to disagree with Goldman. As James MacGregor Burns's recently published analysis of Roosevelt's political leadership demonstrates, the roots of the New Deal were inextricably lodged in the reform tradition, notably that of the Wilson administration.

Third, Hofstadter attacks the central thesis of Eric Goldman's book, namely, that the reform movement was spiritually vitiated by its own pragmatism. What began as a moral crusade for Good ended up with cold ethical relativism and a willingness among New Dealers to employ any means to achieve their goals. Here, in what seems to me a factitious effort to disagree with Goldman, Hofstadter has wandered off into a semantic *cul de sac*. When he asserts that the reformers suffered, if anything, from moral imperialism rather than amoral relativism, he is actually describing the other side of Goldman's coin. For who can be more ruthless and amoral as to means than the moral imperialist? As the instance of Roosevelt suggests, a man with sublime faith in his own good motives and political *telos* is capable of almost any variety of chicanery without even becoming aware of the objective contradictions. Absent a sense of humility such as Lincoln's, the actions of the Moral Man are *by definition* moral actions and the reform tradition has never been conspicuous in its humility.

JOHN P. ROCHE.

Brandeis University.

*Conservatism in America.* BY CLINTON ROSSITER. (New York: Alfred A. Knopf. 1955. Pp. 325. \$4.00.)

After noting the apparent advance during the last few years of a "creeping

conservatism" in the United States which has brought to power leaders who know little about the nature, logic, and principles of a consistent Conservative philosophy, Professor Rossiter proceeds in *Conservatism in America* to attempt to define such a philosophy in general, to review the history of conservative thought in the United States, and to make a try at formulating a working doctrine of conservatism for the America of the immediate future. This he does as well as it can be done for a country which lacks a feudal tradition and a dominant conservative church, which has hitherto had a fluid class structure, which has always believed in change and progress, which has long pinned its faith to democracy and individualism and to an essentially restraining and power-dispersing constitutionalism, and which in general has abhorred logical ideologies whether of the right or left and has preferred to pursue a pragmatic course and to avoid the neat formulations of political philosophy in the European sense of that term.

In his rapid review of conservative ideas in the American past, the writer demonstrates that, except for some fixed fundamental ideas accepted for the most part by liberals as well as conservatives, there has been little consistency or logic in the evolution of a body of conservative thought in this country. Perhaps the nearest approach may be found in the systematic thinking of men like John Adams and John C. Calhoun and the basic attitudes of Alexander Hamilton and the Federalists. These thinkers owed little, however, to European Conservatism as propounded by men like Edmund Burke.

In the course of the 19th and 20th centuries American conservatism was forced to make compromises with the overwhelming flood of democracy and the rapid momentum of industrial and population growth and social change. This is exemplified in the thought of Daniel Webster and many other leaders. Moreover, basically, the liberalism of such leaders as Jackson, Lincoln, the Roosevelts, and Wilson was grounded upon an essentially conservative base. Even Franklin D. Roosevelt provided no new deck or different set of rules for the game but only a "New Deal." The same may be said of the Populists and progressives in general since the Civil War. In short, American conservatism, such as it has been for a century or more, has stood squarely on a liberal foundation, and liberalism, so-called, has never deserted its essentially conservative moorings. Therefore, neither American conservatism nor American liberalism fits into the European conceptions of such terms, and no extreme ideological right or left in the European sense can be found in America.

How, then, can an American philosophy of Conservatism (with a capital "C") be formulated? Professor Rossiter has his doubts and is modest in his suggestions. His "program" for conservatives he characterizes as "at most a series of tentative, hopeful suggestions," and he prays that "no one will mistake them for the Conservative Manifesto of 1955." At best, one wonders if what he suggests is no more than a program which can be agreed upon by moderates who can be described either as "liberal conservatives" or "conservative liberals."

O. DOUGLAS WEEKS.

*The University of Texas.*



*The Decline of American Liberalism.* BY ARTHUR A. EKKIRCH, JR. (New York, London, Toronto: Longmans, Green and Company. 1955. Pp. xiii, 401. \$7.50.)

It is the author's belief that the classic age of liberalism in America was the period of approximately thirteen years between the Revolution and the adoption of the Constitution. Since then liberalism has been steadily declining.

In order to understand and evaluate Professor Ekirch's interpretation of the fate of liberalism, one must first understand the meaning he attaches to the term. His explicit definition is general. Liberalism is best thought of "not as a well-defined political or economic system, but as a collection of ideas or principles which go to make up an attitude or 'habit of mind'." It must include "the concept of limited representative government and the widest possible freedom of the individual—both intellectually and economically" (p. 2). This is a very flexible definition, but it is not the one used by the author throughout the remainder of the book. His liberalism includes virtually absolute *laissez-faire*, at least with respect to the national government. The development of a spirit of American nationalism and the increased exercise of its delegated powers by the national government are regarded, with almost no exceptions, as sharply antithetical to liberalism.

Given this meaning for the central concept, the interpretation of American history that follows is obvious if not logical. The author recounts the familiar record of past and present abrogations of intellectual liberty from the Alien and Sedition Acts to the Loyalty-Security programs. Few liberals of any persuasion will dissent from the judgment that these policies did and do represent departures from the tradition of liberalism. Professor Ekirch's interpretation of other policies of the national government is quite another matter. He believes that the trend away from liberalism began with the adoption of the Constitution, for the economic and financial powers which it transferred from the states to the Congress set the stage "for the abandonment of *laissez-faire* liberalism and the substitution of a policy of economic nationalism or government paternalism" (p. 43). And so the decline of liberalism began and proceeded from Hamilton's financial policies to Jefferson's purchase of Louisiana, to the use of federal funds for internal improvements, to government subsidies for railroad building, to continued high protective tariffs, to Progressive proposals for national regulation of business, to the New Deal and the welfare state, to war and cold war economy.

This is certainly a gloomy interpretation of American history, and except for the author's failure to analyze with precision his central concept, it would be a deeply disturbing one. One example of the resultant confusion is Professor Ekirch's position with respect to the relationship between liberty and equality. He states quite flatly that "Freedom of the individual, for example, conflicts with such democratic principles as equality and majority rule" (p. 1). This may be true, of course, but since it can also be argued that freedom is interrelated to the point of interdependency with these principles, the author's failure to explore this problem reflects the superficiality of his analysis. There is also the un-

explained exception of public education from the general principles of laissez-faire, and the similarly unexplained assumption that departures from laissez-faire policy by the national government are more illiberal than those by the states.

These are secondary aspects of Professor Ekirch's failure to explore and define carefully the essence of liberalism. His conception of this philosophy is static, doctrinaire, deterministic, and unrealistic. If liberalism was operative in this country for only thirteen years, then one can hardly escape the conclusion that it was not a viable system of belief. It was a doctrine suited to one segment of the population only, and only as long as agriculture remained primarily a subsistence and not a commercial pursuit. It would therefore appear to be a doctrine more or less environmentally determined, and unrealistic once its parent environment had ceased to exist. It was doubtless an interesting intellectual exercise to judge the history of America from 1789 to the present by this kind of criterion, but I do not think it has added much to our understanding of that history or of liberalism, or to the attempt to preserve and extend freedom for the individual in an age far removed from that of Thomas Jefferson and Daniel Boone.

CECELIA M. KENYON.

*Smith College.*

*A Democrat Looks at His Party.* BY DEAN ACHESON. (New York: Harper and Brothers. 1955. Pp. 199. \$3.00.)

This is a lively and thoughtful little book which can delight and profit Republicans and Democrats. For much of the discussion is partisan; and when the former Secretary of State writes as a partisan, he is so outrageously, egregiously, and unforgivably partisan that no one needs fear that he will subvert a Republican.

The strongest dose of Democratic adulation is concentrated in early chapters where the author explains his own party identification and his perceptions of the two parties. He became a Democrat in response to the "bugle call" of the progressives. He remained a Democrat because he saw the party as one of youth and vitality. He sees the Democrats as a party of many interests, no one of which can dominate. The Republicans are a party of one interest and are doomed to build solely on the business base. He finds comfort even in the conservatism of the South, an "invaluable asset" to the party. He winds up with a Democratic party so diverse and pluralistic that it thrashes out within itself the consensus that is needed by the general welfare, and the thrashing is so energetic that the party throws up strong, dynamic individuals, "equipped to exercise national leadership." In contrast, the Republicans are a "babel of local voices" who "divorce power from responsibility," "subordinate the Executive to the Congress . . . and the real authors of the mischief are lost in the crowd." Throughout these passages, Mr. Acheson is contributing to what he has felicitously called "the drama and gaiety of the democratic march." He does not attempt to contribute to an understanding of political behavior nor to resolving

the strategic quandaries of the Democratic party, the interesting and tough problems of rebuilding a winning majority out of the disparate interests, sections, and minorities.

When he turns to substantive issues of the domestic economy, he is temperate and constructive. He describes the New Deal as a "clinic in the use of innovation to conserve and strengthen fundamental institutions." He frankly judges that there were errors. The N.R.A. was one. The Supreme Court fight he condemns as a "tragic mistake" which "obscured for years . . . the underlying conservatism of the innovations of the New Deal." Of more present interest, he is critical of the confusion of means and ends which has characterized the vested interest in fixed parity prices. He reminds Democrats that empiricism has got to remain empirical. In the era of the "moderates" it is not surprising that the author sets out no agenda for further policy experiments.

On foreign policy, however, Mr. Acheson has positive and firm advice. Rejecting on the one hand preventive war, and on the other a too easy hope of abolishing nuclear weapons, he speaks earnestly and clearly for sustained effort appropriate to the true and terrible dimensions of Communist designs. He calls for a nuclear striking power as a deterrent, for a defensive armament against nuclear attack, and for a military establishment which can deal with threats which do not involve nuclear weapons. As a good partisan, he gets into a verbal row with Republicans over the "new" policy of retaliation "instantly by means and at places of our choosing." The difference between the policy of deterrence and of retaliation has never had great potential for a political campaign. But the plea Mr. Acheson makes for recognizing in our present dilemmas the importance of limited wars is central to the issue being drawn between the parties. It is a debate that needs to be pursued vigorously if the democratic process is to fashion a durable foreign policy. It is not necessarily a contribution to clear and constructive thought for Democrats to focus on the alleged parsimony of the business interests. The Republicans, we are told, are "based so exclusively upon business interests and the business point of view" that they cannot easily pursue a sound military and economic foreign policy because it costs too much. The argument may tickle the fancy of confirmed Democrats. It is not much help in illuminating for the citizen the character of the difficult choices that confront us.

Finally, the author spells out his profound concern over the consequences of the loyalty investigations. He accepts for the Democratic administration responsibility for a policy which he is "now convinced was a grave mistake and a failure to foresee consequences which were inevitable." The mistake lay in seeking the illusion of complete security. The consequences have been a bogging down in thought control, hindrances to scientific endeavor, badly weakened morale in the foreign service, and potentially a dangerous weighting in favor of the state in the relationship between individual and government. The author has little to say about the social tensions and frustrations which culminated in our recent debates, and indeed he never mentions even so recent a background as the Dies committee and other precursors. But he ends on a note of optimism

and calls on the Democrats for a revised fundamental point of view, which he stoutly defends as politically practicable. And so it will be if enough Democrats as well as Republicans have faith in democratic processes.

This is a book filled with much hope and enthusiasm. It has strong partisanship and occasional flashes of pique. But the argument is kept on a level which will serve the development of a consensus between the parties on the major issues, which the author confronts honestly and with a long experience. This is, therefore, an exemplar of fruitful democratic politics, and not an analysis of politics.

OLIVER GARCEAU

*The Ford Foundation.*

*L'Idea del Contratto Sociale dai Sofisti alla Riforma: E il "De Principatu" di Mario Salamonio.* BY MARIO D'ADDIO. (Milano, Italy: Giuffrè—Editore. 1954. Pp. xxix, 556.)

It is always fascinating to see an important figure in the history of ideas emerge from the shadows which have hitherto surrounded it and become a recognizable person, clearly related to his times. The author of this important book has achieved this feat for Salamonius. There are two parts in d'Addio's work: a history of the development of the social contract doctrine from the Sophists to the Reformation, and a careful, original inquiry into the life, works, and historical significance of Salamonius, the author of the *De Principatu*. Scholars will be particularly attracted by d'Addio's discussion of Salamonius, for much that is new and important is to be found in it.

Salamonius's position among the Monarchomachs has been well known, as has been his influence on Althusius. Gierke gave him an important role in the history of political thought, and Barker included his work among the classics of the sixteenth century. Gough in his *The Social Contract* pointed to Salamonius "as a writer of the first importance in the history of the social contract, as important in the history of the social contract proper as Manegold of Lautenbach is in the history of the contract of government." But much that was essential about Salamonius remained shrouded in uncertainty. Following Gierke's tentative identification of him as a Spaniard, both Allen and Gough thought of him as a Spanish Jesuit. Since Salamonius's main work was reissued in Paris in 1578, he has been widely believed to belong to the same historical epoch that produced the *Vindiciae Contra Tyrannos* and Buchanan's *De Jure Regni Apud Scotos*. And Gierke puts him, as a Spaniard, in the "Catholic" column in his classification of the Monarchomachs.

The record that d'Addio develops with skill and scholarship is quite a different one. The discovery of two manuscripts of the *De Principatu*, one in the Vatican Library and the other in the National Library in Rome, made possible a precise dating of its composition. The year was 1513, and the work was dedicated to Pope Leo X. In the same year Machiavelli completed his *Prince*, dedicated to a grandson of the same pope. As d'Addio points out, "a 'juridical' political theory and a 'realistic' political theory were born at the same time,

within the framework of the same tradition of political thought, formulated by two men who had worked together in the government of Florence."

Salamonius was a member of one of the more important aristocratic Roman families, the Salamoni Alberteschi. He was born in 1450 and died in 1534. He occupied positions of notable importance in the governments of the Commune of Rome and of Florence as well as at the Papal Court. He was in Florence from 1498 to 1499 as a colleague of Machiavelli, who had been elected Secretary of the Second Chancellery on June 15, 1498. Later, Salamonius became adviser to Pope Julius II and as such faced Machiavelli no longer as a colleague but as his opponent, during Machiavelli's mission to Rome in 1503. His historical role appears to d'Addio to have been essentially that of the defender of the autonomy of the Commune of Rome against the centralizing tendencies of the Papal curia, and his *De Principatu* must, therefore, be seen in this light. It was because of the daring of Salamonius's position against the doctrine of papal supremacy that his book, even though dedicated to the pope, was not published during his lifetime and appeared for the first time in Rome in 1544, ten years after the author's death. A friend of both the popes and the Medici, Salamonius was not ready himself to publish a revolutionary book, based on republican and individualistic doctrines.

Thus, Salamonius's theories were fully developed sixty-five years before the appearance of the *Vindiciae*, and even before the beginnings of the Reformation. His inquiry, aimed at the identification of the sources of sovereignty, is significant for the shift it provides from the notion of a *pactum subiectionis* as the foundation of government to that of a *pactum societatis*, itself fruit of the decision of separate individuals to come together and by contract establish the common rules of their political life. Historically the *De Principatu* is part of the history of the rise and struggles of the city state, and of the tradition which had produced Bartolus and Coluccio Salutati. But Salamonius succeeds in giving to municipal issues a broad theoretical treatment that places his work at the foundation of seventeenth-century contractualist theories.

MARIO EINAUDI.

*Cornell University.*

*Voltaire and the State.* BY CONSTANCE ROWE. (New York: Columbia University Press. 1955. Pp. xi, 254. \$4.00.)

In most discussions of the history of political thought Voltaire has been used as a convenient symbol of the eighteenth century Enlightenment, the moving spirit behind the intellectual assault on the *ancien régime*. The individuality of Voltaire's political theory has been lost, however, and most students tend to the suspicion that he was really not a person but a collection of witty epigrams. Like Shakespeare, he is full of quotations. Dr. Rowe's volume seeks to correct this by approaching Voltaire as a serious political theorist who deserves to be considered in his own right. She has performed a useful service by sifting through his voluminous writings and organizing his social and political ideas around certain important themes. She discusses his conception of *la patrie* and makes

the persuasive case that it represented a new notion of national loyalty. The discussion then centers on the relationship between the state and the claims of the individual. The conclusion here is that Voltaire held many of the essential postulates of liberal democracy, and that his ideas were more than an apology for the aspirations of the bourgeoisie. The volume closes with an extended analysis of his views on international relations, which tries to show that, despite occasional lapses, Voltaire remained strongly sceptical of the motives and ambitions of rulers and distrustful of imperialist adventures. The book is lucidly written throughout and supported by ample references.

The major difficulty in evaluating this work is that it is not clear what kind of audience the author had in mind. If the volume was meant solely to be a literary study which would systematize and clarify a wide variety of scattered insights and opinions, then it is to be commended as a competent and thorough piece of work. But if, as is evidently the case, the author aimed at a serious discussion of political philosophy, then the volume has certain shortcomings which ought to be pointed out. This is true whether one measures it by historical or analytical standards. On the historical side, the author has failed to indicate, except in the most general way, the relationship between Voltaire's political ideas and those of his predecessors. One result of this is to leave the impression that Voltaire was being original when, in fact, he was not. For example, an obvious relationship appears between Voltaire's ideas and those of Locke—and this is strikingly apparent in Dr. Rowe's discussion of property—yet Locke is not, according to my reading, mentioned in the book. Again, this work would have been more valuable had some attempt been made to examine the impressive criticisms directed at Voltaire by the writers of the counter-revolution, like de Maistre and de Bonald. This lack of perspective, fore and aft, has the effect of producing a somewhat foreshortened picture.

At the analytical level the author follows Voltaire's own habit of using assertion in the place of systematic argument. Democracy, we are told, "rests on the belief that the primitive equality of men as members of the human species should find the fullest possible social expression" (p. 99). Precisely how this particular conclusion flows from this premise is not made clear. Again, the author does not explore the incompatibilities among Voltaire's ideas: how, for example, to reconcile nationally derived rights and natural rights, benevolent despotism and natural rights, the belief that the pursuit of the common good is morally obligatory and the belief that the common good is identifiable with rational self-interest. These omissions have had the effect of allowing the full implications of some of Voltaire's assertions to go unnoticed. Thus the author places Voltaire among the champions of the separation of church and state, whereas he was advancing the more serious argument that the church ought to be converted into a department of state in charge of policing the morals of the masses. The whole matter can be summed up by saying that Voltaire has been treated as a political philosopher whereas in reality he was essentially an ideologist.

Having said this, however, it would be unfair to criticize Dr. Rowe on the

basis of a book she had not intended to write. Moreover, she has nicely drawn for us the bourgeois character of Voltaire's outlook and in this way illumined the lines which a future study of Voltaire might take. Voltaire could provide the subject of a fascinating study of the eighteenth-century middle-class intellectual, for he voiced not only the aspirations of the bourgeoisie, but also those of a highly self-conscious group of men whose stock-in-trade was ideas. In Voltaire we have the intellectual, struggling for social approval and recognition, venting his frustration when repelled by the *haut monde* of nobility and king, and yet never failing to be mesmerized by the attractions of power. It was not accidental that Voltaire was drawn to seek out the "enlightened" despots of his day or that he held an unconcealed admiration for Louis XIV's pursuit of *la gloire*. He was a classical case of the "political intellectual" beset with a desire for exerting power or, failing that, for being close to the seat of power. While the present book does not explore these lines, it does provide an indispensable starting point.

SHELDON S. WOLIN.

*University of California (Berkeley).*

*The Permanent Purge: Politics in Soviet Totalitarianism.* BY ZBIGNIEW K. BRZEZINSKI. (Cambridge, Mass.: Harvard University Press. 1956. Pp. 256. \$4.75.)

Liquidation of political opponents and their cliques has been a concomitant of dictatorial regimes of all brands from the ancient times to the present. And the annals of ecclesiastical history are replete with glaring examples of purges of heretics who had "deviated" from prescribed dogmas. To that extent the modern totalitarian purge, including the bolshevik *chistka*, is by no means original. However, Lenin and his disciples certainly must be given the odious credit of having greatly improved its techniques, put it to additional uses, and, in fact, institutionalized it by making it a permanent multi-purpose feature of their system.

It is this permanence of the purge and its inherence in the totalitarian process of government which constitute the ideological pivot of Mr. Brzezinski's book. "Totalitarianism is the system of the permanent purge," he asserts. The more totalitarian the regime grows the more isolated it becomes from the masses. Such isolation breeds constant suspicion which in turn induces the leaders to seek out and eliminate foes, real, imaginary, and potential. Also, since the Soviet totalitarianism, pushed by its own ideology, must always march forward towards an unattainable millenium, the initial enthusiasm gradually spends itself. Hence, there is a continuous need to replace weary followers, doubters, and opportunists by fresh and more vigorous cadres. An excellent opportunity is thus offered to advance one's personal career at the expense of others in every echelon of the Soviet hierarchy. Moreover, the organs of control and repression, in particular the indispensable secret police, have an urge to prove their usefulness by turning up with more enemies rather than less.

Having shown the various causes and purposes of the Soviet purge, the

author studies its effects. His conclusion is that, while the purge sometimes disrupts the enforced unity of the Soviet state, it nevertheless performs a number of positive functions: it supplies an element of security for the leadership and keeps the foes of the regime in a state of permanent insecurity; it eliminates any source of potential alternative to the regime; it provides an outlet for accumulated tension; it renews and stimulates internal activity and eliminates stagnation; it "channels pent-up aggression and dissatisfaction away from the regime."

As for the future, Mr. Brzezinski concludes that the need of the purge will not diminish in the Soviet Union, even though it may assume somewhat milder forms. "The purge and totalitarianism have been linked in an indissoluble union." Thus only the death of totalitarianism itself can bring an end of the permanent purge.

In probing into the nature of the Soviet purge, the author subjects to scrutiny its main developmental stages from the Leninist era to the liquidation of Beria and the demotion of Malenkov. In doing so he has culled a good amount of pertinent data from original Soviet sources as well as from the interviews with Russian *émigrés* done under the Harvard Interview Project.

While this reviewer finds himself in agreement with the author's main conclusions, a few of his statements give rise to serious doubt. Can one really say that the "hostility among the immediate supporters of the totalitarian dictator seems to increase in direct ratio to the distance from the dictator" (p. 22)? Are purges "less likely to develop within totalitarianisms ruled by collective forms of leadership" (p. 32)? Or is it not pushing the argument too far to assert that the purge satisfies "the need of the totalitarian masses for expression" (p. 34)?

Yet, in spite of these few rather sweeping statements, for which one can find little or no substantiating evidence in the book, Mr. Brzezinski's study rests on solid foundations of carefully selected and properly analyzed facts. Coming out at a time when the Soviet rulers attempt heels over head to prove that they are not what they are, this dispassionate scholarly study is a timely and sobering warning.

EDWARD TABORSKY.

*The University of Texas.*

*The Forty-Eight States: Their Tasks as Policy Makers and Administrators.* (New York: Columbia University, Graduate School of Business, The American Assembly. 1955. Pp. 147.)

This volume contains the background papers prepared for the consideration of a distinguished panel of participants in the Eighth American Assembly held in October of 1955 under the auspices of the Graduate School of Business of Columbia University. It contains a brief introduction, prepared by Professor James W. Fesler, Technical Director of the Assembly, delineating the major questions to be considered in the volume and at the conference. The introduction sets the tone and scope of the conference in these terms: "The principal concern of this volume . . . is how well the states are doing their job, not what



their job should be." Subsequently, the author admits that it is very nearly impossible to say, in particular, how well states are performing the functions entrusted to them, and that the conference elected rather to consider the states as wholes viewed from the point of how well they are equipped, politically and administratively, to make and enforce sound decisions. To put it another way, what the conference and the writers of the volume really considered was how state governments compare in practice with certain academic and professional theories about how they ought to behave.

Professor Harvey C. Mansfield in "The States in the American System" sets forth with clarity and skill the major twentieth-century trends in state government. He places heavy emphasis on the changing financial relations among nation, state, and local governments. He finds state government expanding rapidly *vis à vis* local governments and largely because of functions scarcely considered a half century ago.

"The Tradition of Government in the States," prepared by Professor Allan R. Richards, is a succinct survey of the major historical forces shaping the constitutions, law, and customs of the states today. Professor Dayton McKean addresses his remarks to "The Politics of the States" and exhorts his audience to consider the necessity of increasing public interest in and concern with state politics. Responsible parties competing for electoral support with broad and conflicting programs of governmental action and state governmental structures which allow victory to be consummated in legislation and administration are the ways to do this.

Professor Karl Bosworth in "Law Making in State Governments" in general follows the McKean lead and comes down heavily for effective two-party competition and strong, political leadership from the executive office. In "Administration in State Governments," York Wilbern generally supports the menu of administrative reforms offered this century by the experts in public administration, and generally proposed—usually unsuccessfully—by numerous "Little Hoover Commissions" in the last decade. Wilbern, however, dissents from the gospel in several particulars. He is somewhat skeptical of the civil service merit system as commonly conceived and administered. He is not for integration of all functions under all conditions.

The volume concludes with a press release which represents the consensus of the conference on what needs to be done to equip the states to perform their tasks in the modern federal system. Few of their exhortations will invite strong dissent.

WILLIAM H. YOUNG.

*University of Wisconsin.*

*The Essentials of Public Administration.* BY E. N. GLADDEN. (London and New York: Staples Press. Distributed in the United States by John de Graff, Inc., New York. 1955. Pp. 237. \$4.00.)

In 1947, Dr. E. N. Gladden, who was already known to American as well as to British students of administration for his two volumes on the British Civil

Service, undertook "the provision of a general survey of public administration to meet the needs of the student and the general reader," a survey that would, among other things, "enable the novice to obtain a general picture of his subject." The first fruit of that project was the publication, in 1949, of Dr. Gladden's *An Introduction to Public Administration*; the task has now been completed with the appearance of the present volume, which must be treated as a companion piece to the first.

The earlier book, the *Introduction*, is most accurately characterized as a description of the administrative institutions of Great Britain—a kind of handbook of government organization covering the central departments, local government administration, public corporations, etc. The *Essentials*, on the other hand, concentrates on the problems and processes and relationships encountered in operating these large-scale institutions. Accordingly, there are chapters on bureaucracy, on the modes of controlling public officials, on hierarchy, on regionalization and centralization, on personnel management, internal communications, public relations, and training for the public service, and a few other topics of this nature that are standard fare in general treatments of administration.

Unfortunately, the book never conveys the "flavor" of administrative situations, never gives the reader that "feel" for the dynamics of organization that makes it seem alive, animated. Consequently, one may surmise, many of the matters with which the book is concerned are likely to seem purely academic at best, and obscure or perhaps even unintelligible at worst, to the novice and the general reader to whom it is addressed. Readers with long experience with public administration, acquired through either direct participation in it or study, will appreciate the significance of the issues explored in this little volume, but they are apt to find the analysis elementary, and occasionally even elaborately obvious; since it was not prepared for their use, this is certainly understandable, but it means the book falls between two stools. It is not likely to satisfy fully either the lay or the professional audience.

In part, this difficulty may have developed because the author apparently takes a great deal for granted about the interest and background of the uninformed reader seeking a general survey of the field; even to have read Dr. Gladden's able *Introduction* would not seem by itself adequate preparation for the later volume. Probably more important, however, is the fact that the *Essentials* shows some signs of having been assembled rather than written all of a piece; there is a certain lack of unity that may account for the failure of the subject-matter really to come to life. This may account, too, for the unevenness of style, and for occasional seeming contradictions and repetitions.

All this means that this book is not likely, at least in this country, to displace the introductory works that preceded it. But American students of administration will not want to ignore it, by any means, for they will find interesting the views of an eminent British civil servant on politics and administration (he comes very close to the politics-administration dichotomy which American administrative thought in recent years has emphatically rejected); on the need to study comparative administration ("There is a crying need for an Institute of

Administrative History," he observes in two short but provocative chapters comparing the public services of Greece and Rome and ancient China with those of Modern Europe); on the proper training of civil servants (he proposes the development of a National School of Administration); and on other issues of current concern. Students of administration on both sides of the Atlantic, as they review the bibliographies that follow each chapter, will also discover that the exchange of information on public administration, in both directions, still leaves ample room for expansion. It is useful indeed to have these things called to our attention once again.

HERBERT KAUFMAN.

*Yale University.*

*The New Japan: Government and Politics.* By HAROLD S. QUIGLEY AND JOHN E. TURNER. (Minneapolis: University of Minnesota Press. 1956. Pp. viii, 456. \$5.00).

This is the first full length book on Japanese government to appear since Professor Quigley's earlier volume (*Japanese Government and Politics*) published in 1932. For this reason it is a welcome as well as needed work.

Organized presumably for classroom use, it has the merits of a good text: clarity, succinctness, and suggestive documentation. To these virtues might have been added balance, except that some aspects of government (party politics, especially) are given more attention than others. No doubt the student beginning Japanese studies will get a clear, overall impression of the structure of modern Japanese government from reading this book. The unusually perceptive student would be able also to get an inkling of some of the fundamental problems in adjusting the ancient apparatus of the Japanese administrative state to the demands of western constitutionalism.

Three introductory chapters are succinct yet pithy summaries of some of the characteristics of Japanese government. The authors have labeled these dynasticism, dualism, bureaucracy, and the struggle between militarism and party government. The demands of textbook organization probably require such compression of the development of Japanese government from the seventh century to 1941. The authors' selection of salient characteristics would probably be debated by students of Japanese government. Each analyst would have his own list. This reviewer regrets the omission of the following three factors which might be regarded as essential characteristics: (1) the intense race consciousness of Japan, sustained by Shinto myth and genealogical fact. The absence of large scale immigration and intermarriage in Japan for many centuries has resulted in a nation remarkably inbred. The result has been a mystical notion of superiority and quasi-divinity which explain the arrogance of Japan's conquests as well as her clearly superior achievements in organization. (2) Japan's unparalleled capacity to adapt both Chinese and western culture to her own needs and inclinations. Only this characteristic can explain her unique position as the matrix of Asian constitutionalism. (3) The trefoil of social values: harmony, hierarchy, and obligations. These concepts explain the diffi-

culties encountered by the impact of an incompatible constitutionalism based on party differences, political equality, and an articulated law of property rights.

Wartime government and the period immediately after surrender are dealt with in three brief chapters. Emphasis is placed on the role of the Imperial Rule Assistance Association as a force in mobilizing the nation and on the rigid organization of society through the revived *tonari-gumi* system to the individual family. Perhaps more emphasis might have been placed on the peculiar status of the Ministries of War and Navy, with their right of direct access to the emperor and their tight, fanatic control of the machinery of government.

The authors have limited their discussion of occupation policy to a brief chapter. Two of the most illuminating sections of the book are those dealing with the purge of Japanese government officials and the drafting of the 1946 Constitution. The latter chapter summarizes the debates in the House of Peers and House of Representatives. In dealing with constitutional pacifism (Article Nine of the Constitution), no mention is made of the assertion of former Prime Minister Dr. Hitoshi Ashida that the first clause of the second paragraph of Article Nine was inserted by him to allow for the maintenance of armed forces for self-defense. The authors' comment (pp. 169, 228) that "'all types' of military forces will never be maintained" is at variance with the Ashida interpretation, which may (if the Supreme Court adopts the Ashida view) become the official view of the government of Japan.

Somewhat more than a quarter of the book is devoted to party politics and legislative organization. These chapters are fuller and more analytical and the documentation is more extensive than for other topics.

The last two chapters dealing with the courts and local government are more descriptive than analytical. In appraising local government, appropriate consideration is given to neighborhood associations, the boss system of *oyabun-kobun*, and local tax problems.

An appendix which includes the old and new constitutions, a few key laws, and the Imperial Rescript on "False Conceptions" concerning the Imperial institution, help make this a convenient source of basic information on modern Japanese government.

RALPH BRAIBANTI.

*Duke University.*

*Control over Illegal Enforcement of the Criminal Law: Role of the Supreme Court.*

By ALBERT R. BEISEL, JR. (Boston, Mass.: Boston University Press. 1955. Pp. 112, \$2.75.)

This little volume deals with the legal and constitutional problems surrounding illegal law enforcement practices, particularly unreasonable searches and forced confessions. It is the publication of the Bacon Lectures delivered by the author at Boston University in 1954, and certainly the first two chapters are in fact this. Being directed at a general audience, they provide a very readable review of the problems without being objectionably superficial.

The first lecture outlines the scope of the illegal enforcement problem, its

causes, social costs, and suggested methods of control. The author concludes, as others have before him, that excluding from the courts evidence got by illegal action is the only effective method of preventing the evil. The second lecture deals with another method of abolishing illegal practices—namely, by declaring them to be legal. The author illustrates this technique with a useful, if critical, account of the way the Supreme Court has handled the important problems of searches without warrant and wiretapping.

The third lecture, which forms two-thirds of the book, deals with the admission in court of confessions or other evidence which has been forced from an accused. It develops historically the law of confessions and the privilege against compulsory self-incrimination. But, unlike the first two lectures, this is a highly sophisticated search for a rational answer to why the Supreme Court will forbid the use in court of evidence got under some circumstances but not others. Why, for example, will the Court forbid the use of evidence obtained by violence but not that obtained by an illegal search? Why does psychological pressure of a certain degree render a confession inadmissible, while pressure of a slightly less degree does not? Why will the Supreme Court, invoking the self-incrimination clause, forbid the questioning of an accused against his will in the protective atmosphere of a federal courtroom, while permitting such questioning by the police in the privacy of the police station? His analysis leads him to conclude that the Supreme Court has no basic philosophy, with the result that its opinions are necessarily confused and its decisions inconsistent. This will not, of course, come as a surprise to those students of the Court who have reached this conclusion by mere inspection. But the importance of such careful rational documentation lies in the peculiar vulnerability of the judiciary, including the Supreme Court, to the charge that it is behaving irrationally. Until the intuitive market-place justice of Harun-al-Rashid has been publicly accepted in place of a system of law the search for a rationale will go on. The author does suggest answers to some of these problems which, even though not supported by the Court, will commend themselves to those who believe with Mr. Justice Holmes that it is "less evil that some criminals should escape than that the government should play an ignoble part." The student of constitutional law who traditionally views these civil rights problems from the standpoint of particular constitutional guarantees will find this a useful and stimulating treatment.

ROBERT FAIRCHILD CUSHMAN.

*New York University.*

*Military Policy and National Security.* EDITED BY WILLIAM W. KAUFMANN WITH CONTRIBUTIONS BY GORDON A. CRAIG, ROGER HILSMAN, WILLIAM W. KAUFMANN, AND KLAUS KNORR. (Princeton: Princeton University Press. 1956. Pp. viii, 274. \$5.00.)

The eighteenth and nineteenth century worldly philosophers gave us "economic man"—a model of human behavior based on the assumption that man's most important activity was the rational pursuit of economic wealth. Subse-

quent political scientists and political sociologists constructed a comparable model of "political man" based on the assumption of the rational pursuit of political power. *Military Policy and National Security* introduces still a third model of human behavior: "strategic man" dedicated to the rational pursuit of military security. The eight essays of this volume deal with a variety of topics, and the four authors have differing views on defense needs and strategic concepts. None the less, underlying the contributions of all four (although this is less true of Gordon Craig than of the others) is a common methodology resting upon the implicit and inarticulate premise of "strategic man." The authors accept his ends. They deal with his problems. They think in his terms. They write in his language: a lingo of costs and risks, incentives and deterrents, capabilities and intentions, contingencies and alternatives, assumptions and working models. With understanding, insight, and balanced judgment, the authors coolly and rationally analyse the alternatives of American defense policy. Their discussion is based, to quote William W. Kaufmann, on "the assumption of a calculating individual with a multiplicity of values, aware of cost and risk as well as of advantage, and capable of drawing significant inferences from symbolic acts." Analysis of this sort is long overdue on the part of American social scientists. It performs the essential function of illuminating the likely consequences of possible actions, thus permitting a rational choice among them. If he could, "strategic man" would reduce all issues down to problems in the theory of games. At the level of overall national policy at which this book is written, however, necessarily he is less precise.

In any symposium agreement on method is essential and agreement on substance is boring. The participants must speak the same language but they must not say the same thing. *Military Policy and National Security* meets both criteria. Their consensus on method precludes the authors from extreme conclusions, but it does not prevent disagreement on significant issues. Dr. Hilsman challenges Professor Knorr on the importance of military potential in this day and age. Professor Knorr disagrees with Dr. Kaufmann on the role of the Strategic Air Command and on the possibility of limited war in Europe. Dr. Kaufmann urges the desirability of flexible forces organized and armed for brush fire wars. Dr. Hilsman suggests that the western powers may have unduly minimized their ground strength *vis-a-vis* the Communist bloc. Professor Knorr warns of the danger of "gross concentration" on offensive air power. Professor Craig urges a reevaluation of NATO strategy to ease the inclusion of a German Army in the western defense force. With the possible exception of Professor Knorr, all the authors appear to accept deterrent-retaliatory nuclear air power as the prime element of American military strength.

In their essays each author urges the expansion of that segment of the defense program with which he is particularly concerned. The adoption of all their recommendations would probably increase the defense budget by fifty per cent. And it is here that the limitations of their method affect the usefulness of their conclusions. The danger in their method is that its users may confuse

the wholly rational world of strategic man with the partly irrational world of actual rulers, governments, and public opinions. Unfortunately, this is a danger from which the authors of *Military Policy and National Security* do not entirely escape. Dr. Kaufmann, for instance, declares that his assumption of "a calculating individual" is "one that appears to correspond accurately with reality under existing conditions. . . ." In another essay, Professor Knorr persuasively analyzes the need for a more effective passive air defense system and then comments sadly that: "If the above analysis is reasonable on the basis of the assumptions that have been set forth, then it is curious and astonishing that passive air defense has been neglected in the United States." Professor Knorr does suggest reasons for this situation. But it can only be described as "astonishing" if one assumes that the world of strategic man is the world of reality. In a similar vein, the authors frequently put great faith in man's ability to foresee future contingencies and to plan for catastrophe. Throughout, the book is permeated by a quiet but desperate rationality. The rational path to military security, however, is something which social scientists may analyze acutely, but it is something which no government can pursue consistently. Economic man and political man were individuals: only their behavior after they had made their decision was social in nature. The decision itself was as rational as the individual mind which made it. Strategic man, however, is concerned with the military security not of individuals but of nation states. The decision making process itself is a social rather than a mental fact, susceptible to all the irrationalities, ambiguities, and complexities of institutional and collective behavior. The analysis of national security policy must look both to the external danger and to the internal environment. The authors of *Military Policy and National Security* have dealt with the question: "What is the most rational military policy for the United States?" They have not, with a few exceptions, tackled the question: "What is the most rational military policy feasible for the United States given its decision making institutions (particularly the separation of powers), its liberal ideology, its nationality groups, and its tradition of isolation?" Their obvious dissatisfaction with recent American defense policy is a measure of the difference between the conduct of the American government and the conduct of strategic man. Avoiding the politics of defense, however, they never have to face up to the hard problem of priorities. Instead, they issue a vague and prayerful call for leadership. The reason and logic which the authors value so highly and use so penetratingly would become more rather than less effective if they accepted the bounds of practicality. Their method is legitimate but limited. What they have done, they have done brilliantly. But, starting from their model, they make a valid criticism of American policy without making a constructive one.

SAMUEL P. HUNTINGTON.

*Harvard University.*

*The Presidency Today.* BY EDWARD S. CORWIN AND LOUIS W. KOENIG. (New York: New York University Press. 1956. Pp. ix, 138. \$3.00.)

*The American Presidency.* BY CLINTON ROSSITER. (New York: Harcourt, Brace and Company. 1956. Pp. 175. \$2.95.)

No feature of our governmental system is more distinctively American than the office of the President. This daring and ingenious creation of the Founding Fathers, viewed with so much doubt and misgiving by many of them, reshaped and adapted to the nation's needs under the impact of crisis, personality, and economic and political forces, has indeed become, as the subtitle of Professor Rossiter's book suggests, "the most important constitutional office on earth." These two short volumes are worthy additions to the rapidly expanding literature of recent decades on this fascinating subject.

The book by Corwin and Koenig is essentially an abridged, updated, and somewhat popularized version of Professor Corwin's earlier authoritative study, *The President: Office and Powers*. It repeats most of the basic themes and points of view of that work. It advances again Professor Corwin's judicious warning against placing undue reliance upon the Presidency as the primary agency through which recurring crises, both national and international, are met; and it restates his view that a closer collaboration between the two policy-making branches of the national government should be brought about by the institution of a new type of joint Executive-Legislative Cabinet.

Professor Rossiter's book, which is a revised version of six Walgreen Foundation lectures given in 1956 at the University of Chicago, presents a generally more complacent and optimistic view of the state of the nation as it concerns the Presidency. While he characterizes his work as "an impressionistic rendering of the main dimensions" of the office, rather than a "detailed or definitive portrait," he leaves untouched few currently controversial questions concerning it. Lively in style, with many a deftly turned phrase, his discourse abounds in highly quotable phrases and often challenging evaluations. His essay at the game of ranking the Presidents by application of eight "tests of greatness" to their performances certainly produces results with which many observers will take issue.

On the whole, Professor Rossiter apparently finds the idea of a "strong" President more tolerable and palatable than do Professors Corwin and Koenig, although in neither work are there fundamental changes suggested in the mode of selection, powers, and roles of the President to counteract the trend in this direction. Far from seeing in executive power something inherently undemocratic, Professor Rossiter maintains it has been "more responsive to the needs and dreams of giant democracy than any other office or institution in the whole mosaic of American life." And he observes, with respect to the controversy over the expanding powers of the office, that it is in fact "only a secondary campaign over the future of America," for, he maintains, the strength of the Presidency has been in the past, and will be in the future, the "measure of the strength of the nation." This generalization is one that comes easily and naturally; yet one cannot but pause to question deeply its full implications.

These two books, modest in size and sketchy as to some details, are obviously designed to serve as interpretative treatments of the subject for the general



reader yet profound thought and scholarly insight are by no means lacking. No one can read them without acquiring a truer perspective on the Presidency and a fuller appreciation of its dizzying sweep of responsibilities, its burdens, and its promise.

JOSEPH E. KALLENBACH.

*University of Michigan.*

*Television and Presidential Politics: The Experience in 1952 and the Problems Ahead.* BY CHARLES A. H. THOMSON. (Washington, D.C.: The Brookings Institution. 1956. Pp. viii, 173. \$1.50.)

The preface advises that "This small book is a pioneering effort . . . to see what television has meant to date in presidential politics, to consider what its future may be, and to encourage further examination of the problems that it presents." To these ends the volume deals with the role of television prior to the 1952 nominating conventions, at these conventions, and during the campaign. Then the author turns to speculations about television's role in 1956 and later and finally addresses himself to certain questions of public policy relative to this medium.

The study draws heavily on materials from the trade journals of the broadcasting industry and so brings to the attention of political scientists material that would not ordinarily come to their attention. Thus, we learn that the conventions themselves attracted more viewers than did the addresses of either candidate during the campaign. The Democrats' peak audience exceeded 10,161,000 homes during one half-hour period of their convention; the Republican peak was 8,655,000 homes. The high spot of listening during the campaign was Nixon's explanation of his financial affairs, which was viewed in more than 9,000,000 homes. The tremendous amount of attention given to the conventions can be explained in part by the fact that none of the regular network programs were available. Viewers could not choose between "I Love Lucy" and a presidential nominating convention.

The perplexing problems of public policy raised by television in politics receive considerable attention. Is it desirable to have commercial sponsors for the convention telecast? How great is the danger of sponsor bias? Shall television be admitted to any gathering at the convention to which pencil-and-paper newspaper men have access? Being televised may alter the behavior of those on whom the camera is focused. Finally, if major parties are to have their conventions televised in their entirety, how shall we treat minor parties?

No serious attempt is made at original research into the questions of chief importance to students of political behavior. These questions relate to the importance of television in contrast to any other mass medium in making citizens decide whether to vote and for whom to vote. Does it help the undecided to get off the fence? Does it convert people from one party to another, or does it merely enable people to view in their own homes the candidate for whom they would have voted had television never been invented? The author merely refers to some already published studies of political behavior in the 1952 election

and offers no help to future campaign managers on what proportion of their funds to allot to television rather than to some other mass medium.

A number of highly intelligent questions are raised throughout the book; definite answers are given to almost none. In fact, on the last page, we are told that: "Scientifically speaking, very little is known about the true nature of its [television's] impact on political nominations or elections." More characteristic answers to the questions raised are: "Opinions of experts differ by 180 degrees on this issue" (p. 138), "Probable viewer interest in the conventions of 1956 and beyond remains imponderable" (p. 154), "Some observers rated the event a stirring one. Others . . ." (pp. 160-161). Although such caution in the absence of complete data is in the best scholarly tradition, some readers may consider this book less satisfying than the type of study which suggests some concluding thesis or generalization. Of course, such inconclusiveness may be inevitable in "a pioneering effort" and may very likely "encourage further examination of the problem. . . ."

DONALD S. STRONG.

*University of Alabama.*

## BOOK NOTES AND BIBLIOGRAPHY

### AMERICAN GOVERNMENT AND POLITICS

*Government and Health: The Alabama Experience.* BY ROBERT T. DALAND. (University, Alabama: Bureau of Public Administration, University of Alabama. 1955. Pp. xi, 218.)

In his study of the Alabama public health program and its administration, Professor Daland has made an interesting and valuable addition to the slowly growing list of studies of those public functions which are cooperatively administered by national, state, and local governments.

As the author states, intergovernmental relations in the field of public health are very complex. Professor Daland here offers a painstakingly careful description of the anatomy of these relationships, having in mind always the importance of locating, in the flow of the governmental process, the actual points at which decisions, both large and small, about both policy and administration are being made. The study contains valuable material concerning the impact of federal grant-in-aid requirements upon state health department organization; upon the forces working for integration of the executive branch under the Governor; upon programming and budgeting; upon recruitment of personnel; and upon the state-local relationship. The author has attempted to trace out not only the obvious, but also the indirect and occasionally well-hidden effects of the intergovernmental process upon the public health program and upon the vitality of state and local governments in Alabama.

In sum, one of the two major foci of the study is the real nature of the current federal relationship in the field of public health in Alabama, and the probable future course of that relationship.

The second and equally interesting major focus of the study is the medical profession in Alabama and its iron grip upon the public health program. By statute, the Medical Association is the State Board of Health; this, in fact, means that the Association's Board of Censors, its governing body, is also the governing body for the state's public health program. Although the Governor is *ex officio* chairman of the State Board of Health, he almost never attends its meetings and, in general, treats the State Health Department as an independent agency.

The chapters describing the organization of the Medical Association, its efforts at maintaining a stringent discipline among the membership, and its views, as shown in statements of the leadership, as to the proper scope of public health activities and the primacy of the medical profession's interests in these activities, provide remarkable and highly interesting reading.

While Professor Daland recognizes that dominance of the public health program by the medical profession secures for that program some immunity from "politics" and assures the support of a group whose active cooperation is essential to the success of any health program, he concludes that on balance the public health program stands to lose from this narrow-based, single-specialization control.

In the final chapter, the assertion is made that federal restraints in the form of conditions attached to grants-in-aid have contributed to the development of stresses within the public health program in Alabama, most notably with respect to the overall problem of effective executive control at the state level, and with respect to state-local relationships. "Removal of the restraints must precede administrative improvement." Assuming removal of these restraints, the author believes that effective exploitation by Alabama's state government of its opportunity to direct the health program would depend upon its ability to wrest from the medical profession control of the program. Thus Professor Daland argues that freedom from federal restraints must precede reform in the direction of broadening control of the health program within the state.

It seems to this reviewer that it is possible to argue that federal restraints continue to serve useful purposes; that the major portion of the problems in Alabama's health program can be traced to the medical profession's monopoly of control, and to the existence of a kind of political system in which so deep an entrenchment of a single-interest group is possible; and that this monopoly can be broken only through fundamental change in the political system. Were such change to come about, the need for federal restraints might very well largely disappear.

In any case, it is to be hoped that additional studies of the kind made by Professor Daland will be forthcoming. Such studies show what really occurs in the areas of inter-governmental relationships, and are therefore essential if we are to have meaningful discussion of the problems in these areas.—VALERIE A. EARLE, *Georgetown University*.

*The Great Plains in Transition.* BY CARL FREDERICK KRAENZEL. (Norman, Oklahoma: University of Oklahoma Press. 1955. Pp. xiv, 428. \$5.00.)

This book is the personal interpretation of a man who has lived intimately with his subject. It is more a literary essay than a research monograph, covering some of the same ground presented twenty-five years ago in Walter Prescott Webb's *The Great Plains*, and containing many of the same premises and biases. Where Webb saw the Great Plains largely through the eyes of Texas, Kraenzel's vantage point is Montana and North Dakota. Webb was a historian, while Kraenzel is a sociologist, yet this has resulted primarily in a difference in emphasis.

As a research study the book has its shortcomings. It lacks precision and analytical rigor. But this is perhaps inevitable since the sweep of the author's attention is so wide and his range of subject so broad. The approach tends to be polemic and partisan with considerable special pleading. And the dogmatic assertions, unsupported generalizations (there are no footnotes), unstated premises, and loose argument leave the careful reader uneasy. Yet Professor Kraenzel brings together many interesting facts about the Great Plains and proposes some novel ideas and concepts. Hence the book is not without value, especially since the literature of the Great Plains, like its population, is sparse.

"The Need to Adapt or Get Out," as Chapter 21 is entitled, is a major theme of the book, and the author presents much natural and social history in support of his premise that failure to adapt has been the cause of many of the problems of the area. From this record he concludes that the "Keys for Survival" (Chapter 24) are *reserves*, *mobility*, and *flexibility*. His treatment of these survival traits is suggestive rather than specific, so the reader gets only a general impression of what adjustments are desirable and how they are to be achieved.

Kraenzel's major prescription is "regionalism" which he feels will cure all the ills of the

Great Plains. But he fails to indicate how regionalism and regional consciousness are to be brought about, and seldom gets beyond a mystical vision of a unifying force which will somehow be the salvation of the area. One might, of course, question whether the Great Plains constitute a meaningful region. But curiously, Kraenzel avoids this problem by insisting that his region, like the church invisible of Protestant theology, must have no boundaries. Yet it is to have political and administrative structure, the details of which would strike most political scientists as unworkable.

The usefulness of this book to the political scientist lies in its emphasis on the relation between governmental institutions and environmental forces: space and climate, particularly. Kraenzel's concepts of "Sutland and Yonland" (Chapter 15) might be usefully adapted to political analysis, and his discussion of Great Plains "minority-group conduct" (Chapters 17, 18, 19, and 20) contributes to a better understanding of the patterns of politics in the area.—NORMAN WENGERT, *University of Maryland*.

*One River—Seven States: TVA-State Relations in the Development of the Tennessee River.* BY ELLIOTT ROBERTS. (Knoxville, Tennessee: The Bureau of Public Administration, The University of Tennessee. 1955. Pp. vii, 100. \$1.50.)

Many of the most enthusiastic supporters of the Tennessee Valley Authority count as one of its major accomplishments a new quality of federal-state cooperation, in which the states and local units have been helped to perform many portions of the tasks assigned by law to the TVA. Mr. Roberts examines the actual operation of these relationships with regard to navigation, flood control, and electric power, primarily through the technique of specific case studies of decisions.

His conclusions are summed up in a chapter entitled "The Myth of Partnership." The pattern, he says, "is not one of partnership, nor of continuing interaction, [but] of firm federal control of basic programs . . . with intermittent attempt to make common cause with state agencies concerning fringe issues."

It should be noted that in two of the three functions which he chooses to examine, the tradition of almost exclusive federal operation was already firmly rooted before TVA entered the field. He leaves out many functions, admittedly not as central to TVA as the three

he discusses, such as recreation, forestry, agriculture, and city planning, in which the patterns of partnership were easier and more effective. Furthermore, in his discussion of relationships in power, the most interesting of these three fields, he largely directs his attention to relationships with the states *per se* without much focus on the relationships with the municipalities which are frequently the marketing units. But the conclusion he reaches is certainly solidly buttressed by the data he produces.

The book includes many succinct summaries of TVA programs and policies, and many penetrating analyses and comments. These were even more interesting to this reviewer than the development of the main thesis. Mr. Roberts, a former staff member, knows his TVA very well.—YORK WILBERN, *University of Alabama*.

*Water for the Cities: A History of the Urban Water Supply Problem in the United States.*

By NELSON MANFRED BLAKE. (Syracuse: Syracuse University Press, Maxwell School Series III. 1956. Pp. x, 341. \$4.00.)

The chairman of Syracuse University's history department has provided another valuable study which will help fill the great void in U. S. municipal history. In contrast with Bridenbaugh's recent volumes, Blake confines himself—almost too closely—to the single function of water supply. Primary emphasis is placed on the story of the water supply problem in Boston, Philadelphia, Baltimore, and New York from 1790 to 1860. There are occasional references to developments in other cities. Two final chapters bring the story down to the present, emphasizing public health developments since 1860.

In the earlier years the ability to evaluate the effect of a particular water source on the human body did not exist. With this exception, the story of the urban water supply regularly reveals success in solving the technical problems and failure in long-range planning. New York's great Delaware aqueduct, just completed, will remain adequate only until 1965.

One might divide the efforts of cities to obtain water into two periods. The first, lasting roughly until 1920, was characterized by a city-by-city approach. During this period the policy of public rather than private operation of water supply systems became virtually universal after many a battle in city council and state legislature. The period into which we are

now moving shows signs of requiring regional cooperation in water supply, both to conserve an increasingly precious resource and to allocate water among competing cities and competing uses. The great plans of the Metropolitan Water District of Southern California and of the four states participating in the Interstate Compact on the Delaware River Basin may proscribe complex regional water systems in some sense similar to our electric power grids.

One wishes the author had devoted more attention to the problems of administrative organization and management. For example, the question of independent water boards *versus* departmental organization is not treated. The development of metering and of rate structures is not discussed. Relationships of water and sewer systems would be of interest. The neglected subject of extraterritorial jurisdiction, including watershed protection, pollution control, and intergovernmental relations, is only casually covered. Yet the policy and politics of water supply are fully reported and the book will prove useful to most students of municipal affairs.—ROBERT T. DALAND, *University of Connecticut*.

*The Municipal Income Tax: Its History and Problems.* By ROBERT A. SIGAFOOS. (Chicago, Ill.; Public Administration Service. 1955. Pp. xiii, 169. \$5.00.)

This little volume bids well to become a standard reference work on the municipal income tax. Its main contribution is in the direction of making available to those interested in this field basic data on the present status and developments in the municipal income tax area. Entire chapters are devoted to such topics as municipal income tax ordinances, administration, revenues, and the fate of municipal income tax provisions in the courts. Most of the data presented were collected as a result of extensive mail questionnaires, the review of statutory provisions and official reports and over forty personal visits to various municipalities and school districts administering income tax laws. One result is a series of basic tables showing the exact status of and results obtained from the municipal income tax in the United States today. Some material is also included on municipal income taxes in other countries such as Scandinavia and Canada, but the main effort is to focus upon relevant American experience.

The presentation, while reasonably objective, is none the less put forward in a context

of a desire to see that the municipal income tax grows and is more widely adopted. The author believes that the exigencies of municipal financial problems are such that only by going in another direction than the property tax will it be possible to solve local financial problems. The available alternatives are the local sales tax, increased state grants, or the municipal income tax. Among these, the author sees a number of advantages to the latter course of action. He points out that existing municipal income taxes are rather crude in their nature since they are largely gross earnings and net profits taxes of an unrefined nature. To overcome such crudeness, the author suggests certain possibilities for refining the tax. One of the suggestions is that the income tax in metropolitan areas apply to the entire area concerned rather than just the central city. The author is convinced of the theoretical as well as the practical soundness of it. "Throughout the United States, personal incomes are now possibly as reasonable and equitable a local tax base as property. However, the instability of income tax yield in certain communities suggests that it is important to strike a balance between the relative weight to be given the income tax and the property tax." Nor does he believe that the tax constitutes a severe or unusual tax burden.

In short, this is a useful volume and a basic reference work in its field while at the same time it argues for the wider adoption and refinement of the municipal income tax.—EDWARD W. WEIDNER, *Michigan State University*.

*Republished Articles on Economics, Volume VII: Readings in Fiscal Policy.* SELECTED BY ARTHUR SMITHIES AND J. KEITH BUTTERS. (Homewood, Illinois: Richard D. Irwin, Inc., 1955. Pp. x, 596. \$5.00.)

The primary purpose of this seventh volume of readings sponsored by the American Economic Association is to make more readily accessible to students some of the principal items from the literature in the rather new but increasingly significant field of fiscal policy, which the editors describe as the area dealing with "the aggregative effects of government expenditures and taxation on income, production and employment." A secondary purpose is that of including selections to show how thought in this area has evolved over the past quarter-century or so. Since numerous articles relevant to fiscal policy have already

been included in earlier volumes of this series (especially those on monetary theory and business cycles) or are readily available elsewhere, this volume should not be interpreted as representing the editor's judgment as to the thirty-four most significant contributions in this area of economics. Students will undoubtedly find the extensive classified bibliography of articles on fiscal policy as compiled by Wilbur A. Steger to be one of the most worthwhile features of the volume.

*The Torment of Secrecy: The Background and Consequences of American Security Policies.* BY EDWARD A. SHILS. (Glencoe, Ill.: The Free Press, 1956. Pp. 238. \$3.50.)

For one seeking a brief and lucid explanation of America today it would be hard to find a better tract than the sections of Professor Shils' book entitled "The Deeper Sources" and "The Strain of Politics." This brilliant sketch of the immediate background of the starts and alarms of the past ten years is, however, delivered in support of a thesis which involves the author in an emotional predicament from which he cannot escape. He divides the nation into two—just two—camps: "The really crucial dividing line in politics is between pluralistic moderation and monomaniac extremism" (p. 227). Then he proceeds to denounce the bad camp of wrong-headed, fantasy-obsessed extremists, lunatics, and paranoiacs for the unpardonable sin of thinking that the world is divided into just two camps—"the state of mind which sees only black and white" (p. 226). The "nativist tradition," he tells us, should be "confined to alleys and bars and back streets and to the hate-filled hearts of the miserable creatures who espouse it" (p. 15). Hate-filled the creatures may be, but in Professor Shils they have found their match.

One wishes he would not rant so against the ranters, or become so emotional in denouncing emotionalism, or so passionately censure the attitude of those who censure others for their attitudes, or indulge so often in those absolute statements against which he clamors: e.g., "No society has ever been so extensively exposed to public scrutiny as the United States in the twentieth century" (p. 39). Has he ever considered the Greek or Latin zest for living private lives in public, or the complete publicity of European peasant and court communities? This regrettable lack of wider historical perspective is reflected in a loose use of terminology, as in his identifica-

tion of "the national 'spirit'" with the Spirit of God in "revivalist" thinking (p. 207), or in his way of describing the opposition as "mad."

For Professor Shils "the scientific community is the epitome of the free society" (p. 190). Now no one needs to be told that science at its best should not take orders from the populist mob at its worst; but never in this book is there the slightest indication that science is ever at anything but its best. For Professor Shils it is all black and white.

Having given a first-rate description of the disease, Professor Shils can think of no better cure than Good Health. "More reasonableness and common sense" are indicated in a pluralistic system in which everyone tolerates everyone else. Professor Shils is against any strong feeling—except where it is desirable; secrecy and publicity are alike vicious—except when "properly practiced"; extremism is the root of all evil—except "in a small quantity" (p. 237). The small quantity is everything; "respectable" is a favorite word; Professor Shils yearns for a tepid academic world based on "the belief . . . that there is a sacred element in law"—only that belief must never be carried to the point of enthusiasm or passion (pp. 160 f). Like Bottom, Professor Shils will "roar you as gently as any sucking dove," and the result is neither a good roar nor a convincing plea for moderation.—HUGH NIBLEY, *Brigham Young University*.

*The Right to Read: The Battle Against Censorship.* By PAUL BLANSHARD. (Boston: The Beacon Press. 1955. Pp. 339. \$3.50.)

An examination of literary censorship in all its forms and for all types of printed matter, with conclusions that the picture in this country though "not altogether pleasing . . . is far from helpless," is "gratifying" when looked at in the perspective of history, and is cause for being "cautiously cheerful" when comparison is made with other countries. It is a plea for an open society but with moderate conclusions on removal of existing legal restraints.

*Case Studies in Personnel Security.* COLLECTED UNDER THE DIRECTION OF ADAM YARMOLINSKY. (Washington, D. C.: The Bureau of National Affairs, Inc. 1955. Pp. x<sub>2</sub> 310.)

A collection of fifty personnel security cases based on information from the files of lawyers who advised or represented the employees involved. In each case the following

information is given: the employment status of the individual concerned, the charges against the employee, the employee's response, a summary of the hearing or hearings, and the result. Thirty-one of the fifty cases involve government civilian employees; fifteen, industrial employees; two, military personnel; one, a seaman; and one, an employee of a United Nations agency abroad.

*Merchants, Farmers, and Railroads: Railroad Regulation and New York Politics, 1850-1887.* By LEE BENSON. (Cambridge, Mass.: Harvard University Press. 1955. Pp. x, 310. \$5.50.)

This is a significant addition to the literature on the movement for railroad regulation in this country. It traces from the so-called Free Railroad Law of 1850 to the Interstate Commerce Act of 1887 the influence of New York interests toward railroad regulation. Its theme is that the merchants and farmers of the Empire State, rather than the agrarians of the West, took the lead in this important movement. It argues incidentally that the theoretical bases for American railroad reform came from abroad (pp. 204-207) and that leading railroad officials had come to favor regulation (though not the long-short haul and anti-pooling provisions) by the middle eighties (pp. 242-246). And behind the movement from *laissez faire* to national regulation was a "Communications [Transportation] Revolution." The account is thoroughly documented and spiced with plentiful references to the individuals and events of the period.

*Natural Resources and the Political Struggle.* By NORMAN WENGBERT. (Garden City, N.Y.: Doubleday & Co., Inc. 1955. Pp. 71. \$.95.)

This little study sketches the problem of decision-making by government in one field. Its theses are that the political process is pluralistic, that "policy itself is pluralistic" (p. 13), that struggle by groups must be accepted as an ingredient of the political process, that "operational goals and functional definitions may be most useful as criteria for social policy and action" (p. 65). "But what is important, even indispensable, is the *constant*, unrelenting search for the public interest and a dedication to furthering programs and policies which on the basis of the best judgments at the time of decision will advance the public good" (p. 66, author's italics). There is thoughtful, refreshing discussion of the roots of resource policy, of factors and alterna-

tives in future resource policy development, of intergovernmental relations, and of the search for criteria for resource policy.

*Monopoly in America: The Government as Promoter.* BY WALTER ADAMS AND HORACE M. GRAY. (New York: The Macmillan Company. 1955. Pp. xv, 221. \$2.75.)

Through chapters on "Regulation and Public Utilities," "Tax and Expenditure Policies," "Procurement for Defense," "Disposal of Surplus Property," and "Legislation and Atomic Energy," a friend of competition as the regulator in the economy shows the effects of government policy toward growth of "monopoly" and how a "subtle transformation in the power structure of society" has been accepted as "natural" and "inevitable."

*Congress and Parliament: Their Organization and Operation in the U.S. and the U.K.* BY GEORGE B. GALLOWAY. (Washington, D.C.: National Planning Association. 1955. Pp. ix, 105. \$1.50.)

A brief but excellent comparative survey of the American and British parliamentary practices made by the well-known Senior Specialist in American Government of the Library of Congress, financed by a grant from the Ford Foundation, and published under the auspices of the NPA Special Project Committee for the Study of Congress and Parliament.

*The Political Process: Executive Bureau-Legislative Committee Relations.* BY J. LEIFER FREEMAN. (Garden City, New York: Doubleday & Company, Inc. 1955. Pp. vii, 72. 95¢.)

An analysis of the interactions of the three key participants—congressional committees, executive bureaus, and interest groups—in the making of policy in the "crucial sub-systems of the larger political system." Reference is made particularly to an illustrative case, that of policy-making on Indian affairs.

*Rural Versus Urban Political Power: The Nature and Consequences of Unbalanced Representation.* BY GORDON E. BAKER. (Garden City, New York: Doubleday & Company Inc. 1955. Pp. viii, 70. 95¢.)

A concise discussion of the growth and effects of unbalanced representation of urban and rural areas in American government.

*Report of The Commission on Inter-Governmental Relations: Federal-State Relations.* SUB-

MITTED TO THE GOVERNOR AND TO THE LEGISLATURE. (Trenton, N.J.: State of New Jersey. 1955. Pp. vi, 200.)

A statement of policy with recommendations concerning Federal grants-in-aid and certain related tax matters with particular reference to the State of New Jersey.

*Federal Control of Public Education: A Critical Appraisal.* BY DAWSON HALES. (New York: Columbia University, Teachers College, Bureau of Publications. 1954. Pp. xiii, 144. \$3.75.)

A critical appraisal of the traditional principle of local control of public education in the United States in the light of vast changes in our society, with recommendations for joint federal, state, and local action "to meet the demands of contemporary conditions."

*Western Massachusetts in the Revolution.* BY ROBERT J. TAYLOR. (Providence: Brown University Press. 1954. Pp. viii, 227. \$4.00.)

A study of the significance of Western Massachusetts, politically and economically, in the history of that state during and after the American Revolution. The account ends with the ratification of the Federal Constitution by the Massachusetts ratifying convention.

*The Founding Fathers.* BY NATHAN SCHACHNER. (New York: G. P. Putnam's Sons. 1954. Pp. x, 630. \$6.00.)

A readable account of the men and the events that shaped the course of American history during the administrations of George Washington and John Adams.

*County Court Records of Accomack-Northampton, Virginia: 1632-1640.* BY SUSIE M. AMES WITH A PREFATORY NOTE BY FRANCIS S. PHILBRICK. (Washington: The American Historical Association. 1954. Pp. lxix, 189.)

This collection of the "oldest continuous county court records in America" should be of great interest to students of early American legal and local government institutions. An informative introduction by the editor supplies the necessary background for an understanding of the early settlement that produced these records.

*Ogg and Ray's Introduction to American Government.* BY WILLIAM H. YOUNG. (New York: Appleton-Century-Crofts, Inc. 1956. 11th Ed. Pp. x, 953. \$6.30.)

The new revised edition of a standard text.



The organization and comprehensive character of the earlier work are retained. Emphasis is on institutional and legal description, but a chapter on public opinion and interest groups is included. Footnote references to documentary sources are valuable. Extensive bibliography.

*Ogg and Ray's Introduction to American Government. The National Government.* By WILLIAM H. YOUNG. (New York: Appleton-Century-Crofts, Inc. 1956. 11th Ed. Pp. x, 719. \$6.00.)

This book is identical with the complete eleventh edition of Ogg and Ray with the exception that the chapters dealing with state and local government are omitted.

*Government in the United States.* By CLAUDIUS O. JOHNSON. (New York: Thomas Y. Crowell Company. 1956. Pp. viii, 999. \$6.50.)

A new edition of this text. The style and general plan of presentation are like those of earlier editions. Recent material is added, and some sections have been revised.

*The American System of Government.* By JOHN H. FERGUSON AND DEAN E. MCHEENRY. (New York, Toronto, and London: McGraw-Hill Book Company, Inc. 1956. Pp. x, 757. \$6.75.)

A new edition of this text. Manner of presentation and organization are similar to earlier editions. Numerous illustrations, review questions, topics for discussion, and lists of graphic aids are included. A workbook is available for use with this text.

*The American Social System: Social Control,*

*Personal Choice, and Public Decision.* By STUART A. QUEEN, WILLIAM N. CHAMBERS AND CHARLES M. WINSTON. UNDER THE EDITORSHIP OF M. F. NIMKOFF. (Boston: Houghton Mifflin Company. 1956. Pp. x, 494. \$5.75.)

A new social science text. Material from anthropology, economics, political science, and sociology organized around the themes stated in the sub-title.

*American Government Under the Constitution.* By PAUL C. BARTHOLOMEW. (Dubuque, Iowa: Wm. C. Brown Company. 1956. Pp. xii, 342. \$3.75.)

A new edition of this text. Provisions of the Constitution annotated by reference to judicial decisions, law, and practice.

*A Preface to the Social Sciences.* By RAYMOND F. BELLAMY, HARRISON V. CHASE, VINCENT V. THURSBY, AND SADIE G. YOUNG. (New York, Toronto, London: McGraw-Hill Book Company. 1956. Pp. vi, 532. \$6.50.)

A new social science text. Successive sections deal with geography, economics, society, and government.

*State Government and Administration: A Bibliography.* By DOROTHY C. TOMPKINS. (Berkeley, Cal.: University of California, Bureau of Public Administration. 1954. Pp. vii, 269. \$6.00.)

A well arranged and carefully prepared bibliography of primary sources of information, issued primarily since 1930, on state government and administration. Annotations where deemed necessary and an excellent index are most helpful in using this bibliography.

## SELECTED ARTICLES AND DOCUMENTS ON AMERICAN GOVERNMENT AND POLITICS

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## FOREIGN AND COMPARATIVE GOVERNMENT

*Unrepentant Tory: The Life and Times of Andrew Bonar Law, 1858-1923, Prime Minister of The United Kingdom.* By ROBERT BLAKE. (New York: St. Martin's Press, Inc. 1956. Pp. 556. \$9.00.)

*My Father: The True Story.* By A. W. BALDWIN. (London: George Allen & Unwin Ltd.; Fair Lawn, N. J.: Essential Books, Inc. 1955. Pp. 360. \$4.00.)

The appearance of a first-class biography of

a British Prime Minister is always an important event; the near simultaneous appearance of two such volumes is an occasion indeed. All the more so because neither of the subjects of these biographies has been sufficiently understood by the general public, Baldwin because his career and character have been so much debated, Bonar Law because his have been so little discussed.

Mr. Blake's *Unrepentant Tory* appears to be a definitive work. It is the first biography to



draw upon the Bonar Law papers and is based wherever possible upon other such papers and on information supplied by personal recollections of various contemporaries. His picture of the Conservative leader will make it impossible henceforth to describe him, as Asquith did, as the "unknown Prime Minister." Bonar Law was above all the leader of his party, perhaps to a fault. His achievement lay in the fact that it was his leadership that held the party together in the dark days from 1906 to 1922; his tragedy lay in the fact that death took him so quickly from the prime ministry after it had been at such pain achieved. Indeed one may attribute to his skill, character, and statesmanship the fact that, of the two war- and faction-torn parties, it was the Conservatives rather than the Liberals that were able to reconcile their differences and face united the post-war onslaught of Labour.

Bonar Law was neither brilliant nor personally ambitious. In Mr. Blake's words "he was the ordinary man writ large," and when the time came to pass on the leadership of the party—and with it the prime ministry—he was torn with indecision. One of the most important parts of the book is the author's new interpretation of those events that gave the succession to Baldwin instead of Curzon.

Which brings us to Mr. Baldwin's biography of his father—a very different sort of book. It is intended as a corrective rather than a full biography, which is a reasonable exercise in view of the far more ample treatment that historians have accorded his father. Stanley Baldwin, too, was a party man; he led the Conservatives, in a very different way, from Bonar Law's death to his own retirement fourteen years later. In his own time he was considered uncommunicative and stuffy; in later days he was denounced as inept and culpable. Thanks to Mr. Churchill and to Mr. G. M. Young, the authorized biographer, there are many even yet who believe that Baldwin put party above nation and concealed the facts of Hitler's aims to win the 1935 election.

His son has sought to correct this distorted image and has done a highly competent job of it. This is an ably argued, ably written book. It does not offer itself as a complete biography—there are important gaps in it—but it does remarkably well what it is intended to do: namely, to provide a clear picture of Baldwin the man and to supply an answer to his more extravagant critics. The definitive biography of Stanley Baldwin has yet to be written, but when it appears it will clearly depend to an

important extent on the significant contribution here made by his son.

There exists no systematic study of the British Prime Ministry; even Mr. Byrum Carter's recent and useful volume makes no pretense at providing this. Our understanding of the office, and of the system that embraces it, must therefore depend in a large measure on the study of the prime ministers themselves. These two books offer valuable assistance in this task.—WILLIAM S. LIVINGSTON, *The University of Texas*.

*Die Verbände in der Bundesrepublik: Ihre Arten und ihre politische Wirkungsweise.* By RUPERT BREITLING. (Meisenheim am Glan: Verlag Anton Hain K.G. 1955. Pp. 303).

Except for some desultory or denunciatory treatment, scant attention had been paid in the German literature until recent years to the role of interest groups in German government and politics. This neglect has been mainly due to the near monopoly in governmental studies held so long by academic students of public law in Germany, with their primarily formal and ideological concerns. The postwar years have seen a marked growth of interest in these problems, both on the part of political scientists and sociologists, a development in which the stimulus of the newly discovered American literature may well claim some share.

As far as the reviewer is aware, the present study by Breitling, the latest volume in the important series edited by D. Sternberger in behalf of the new German Association for Political Science, is the first systematic inquiry into the forms and roles of interest groups on the Western German political scene. In this sense it may be considered the German counterpart of Pendleton Herring's pioneer study on *Group Representation Before Congress*. Like Herring's investigation of the American pattern, it is a deliberately factual, closely documented introduction to the structure and activities of the German *Verbände*, supported by useful charts and statistics. The emphasis is upon the ways of interest groups with and within the Bundestag and its parties. There is a suggestive scrutiny of committee composition and an appendix contains special studies of selected pressure groups, ranging from taxpayers to the Catholic labor movement. The author's classification of these groups may be questioned by some readers; he divides lobbying organizations into interest groups proper (with a dominantly economic interest), vocational, religious, and "political" organizations

(such as states, municipalities—but also citizens' and public officials' associations).

Students of German politics will find in Breitling's work a valuable tool for understanding the dynamics of the Bonn democracy and a robust testimony to the developing German pragmatism in political science. The author's concluding observation provides food for thought: "In effect, the presence of fewer interest group-connected politicians in parliament means the increase of career officials or party functionaries in that body and vice versa. Yet a large-scale membership of career officials or party functionaries constitutes a greater threat to a balanced house than the presence of [a substantial number of] interest group specialists" (p. 138). May we hope that the author or his associates will in future studies delve into pressures upon German public administration and thus put us further into their debt?—WOLFGANG H. KRAUS, *George Washington University*.

*Freedom of the Press in the German Republic, 1918-1933.* By PETER J. FLIESS. (Baton Rouge: Louisiana State University Press. 1955. Pp. 147. \$2.50.)

Brief and penetrating, this study of the German press under the Weimar Republic is also instructive and foreboding. Weaving together an acute analysis of Weimar political institutions and social dynamics with a perceptive study of the role of the mass media, Professor Fliess depicts the conflict of liberty and authority in a concrete and provocative setting. The perspective suggested is chilling to liberal optimism.

The German community—geographically balkanized, lacking firm libertarian traditions, fragmented by factional warfare, and beset by recurrent crisis—was not only a natural prey for mass radical movements, but inevitably generated them. The press, as mediator between power-hungry cliques and the masses, was a major variable in the political equation; and control of the press was a condition of survival for the Republic. Failures and blunders in this vital task, the author contends, reveal not so much official ineptitude, as the suicidal dangers of clinging to outmoded liberal instrumentalities when threatened by modern revolutionary tactics of propaganda, disruption, and "creeping revolution." Potent against Communists, traditional legal and administrative restrictions were largely ineffective against the more subtle techniques of the Right, were often as damaging to liberalism's

friends as to its foes, and conspired to hasten ultimate disaster.

Although the Bonn government has demonstrated that democracy may learn much and learn effectively from its failures and that liberty can work for unity as well as division, Professor Fliess's contention that uniformity and cohesion rather than liberty are the necessary social cement of modern emerging democracies merits thoughtful consideration. His study of Weimar is a solid argument for that thesis.—DAVID G. SMITH, *Swarthmore College*.

*Documents on Germany under Occupation, 1945-1954.* SELECTED AND EDITED BY BEATE RUHM VON OPPEN. (London, New York, and Toronto: Oxford University Press. 1955. Pp. xxvii, 660. \$10.00.)

A collection of documents illustrative of the implementation of occupation policy in the four zones of Germany during the period 1945-1954. Many of the documents, especially those issued by the Russians, have been inaccessible to Western students and their publication at this time will be widely welcomed. An attractive feature of the collection is the publication at some length of the selected documents rather than the presentation of a collection of short excerpts. The work will be an important reference for all persons interested in the German problem and the relations between the USSR and the other occupying powers.

*Race and Reich: The Story of an Epoch.* By JOSEPH TENENBAUM. (New York: Twayne Publishers. 1956. Pp. xvi, 554. \$7.50.)

In this work the Nazi racial theory and its implementation are indicted by a scholar whose previous publications on Hitler's regime have received favorable attention. The relation between Hitler's racial policies and the Nazi economy, concentration camps, deportation policies, and genocide are discussed. The work is concerned primarily with the Jewish Question and has made use of generally inaccessible German documents and sources. It should prove a useful reference work to be added to the growing literature devoted to the revelation of the bestial and cynical character of the Third Reich and those who carried out its fanatical policies.

*Das Bundeshaus. Aus der Arbeit des Bundestages und des Bundesrates, mit einem Vorwort von Dr. Eugen Gerstenmaier, Präsident des Deutschen Bundestages. 3. Auflage.* By

FRIEDRICH KARL SCHRAMM. (Bonn: E. Beinhauer. 1955. Pp. 32.)

A brief, illustrated description of the *Bundeshaus* at Bonn, of the West German Federal Parliament, of the deputies, of the legislative process, of the commissions, and of the sessions such as this would, if more generally available or available in English, have considerable interest as a factual statement about a new and rather important parliamentary body. It is published in connection with the Federal agency *Bundessentrale für Heimatdienst*, and was first issued under the title *Der Bundestag*.—J.B.C.

*Der Bundesrat*. BY HANS SCHÄFER. (Köln, Berlin: Carl Heymanns Verlag K.-G. 1955. Pp. 137. DM 14.80.)

The treatment of the *Bundesrat*, the body representing the *Länder* in the legislation and administration of the Federal Government in the *Bundesrepublik*, is by one who has been closely connected with its work. It treats briefly of the predecessor bodies. In the bibliography, some reference to the debates and documents of the *Bundesrat* and those of the predecessor bodies would have been helpful to the non-German reader, to whom these are not always available.—J.B.C.

*Merkbuch für die Mitarbeiter der staatlichen Organe, 1956*. (Berlin: VEB Deutscher Zentralverlag. 1956. Pp. 118. Schriftenreihe Demokratischer Aufbau, Heft 16.)

The fourth annual edition of what appears to be an official manual for state employees in the *Deutsche Demokratische Republik* contains some brief unsigned articles on recent developments in governmental matters such as the *Abgeordnetengruppen*, or formal organization of deputies in the *Volkskammer* by *Bezirke*, for dealing with the local problems of the *Bezirke*, the *Ständige Kommissionen* in local governments, official travel regulations, etc. In addition, there is a 4-page directory of central state agencies, a list of political parties and *Massenorganisationen*, a listing of the principal central newspapers and magazines from the point of view of the government, a classified table of the principal laws and ordinances, a chronology of the main governmental events of the previous year, etc. The work, put out by the Central State Publishing House, seems intended mainly for official circulation, and is revealing as regards governmental attitudes and practices in the *Deutsche Demokratische Republik*.—J.B.C.

*English Politics in the Early Eighteenth Century*. BY ROBERT WALCOTT, JR. (Cambridge, Mass.: Harvard University Press. 1956. Pp. 291. \$3.50.)

This is a carefully documented analysis of parliamentary politics in the last days of William and the first days of Anne. The study is directed towards the election and composition of Parliament and its party composition; it draws primarily upon the parliamentary records themselves and upon the available biographical data on the members. The thesis is that Britain had no two-party system during this period (as Trevelyan and others have suggested) but had rather a multi-factional system in which government could be sustained only by a frequently shifting and always unstable coalition of factions. Thus Walcott tries to do for the early part of the 18th century what Namier has done for the later part. And he does it well; this is a piece of very competent research.

*Ulster under Home Rule: A Study of the Political and Economic Problems of Northern Ireland*. EDITED BY THOMAS WILSON. (London, New York, and Toronto: Oxford University Press. 1955. Pp. xxiv, 229. \$3.40.)

An important effort to provide a general description of the political and economic structure of Northern Ireland. Half a dozen contributors, mostly Ulstermen, provide data and comment on the constitutional system, the economy, defense, finance, party politics, and other matters. A major theme of the book is that Northern Ireland is a unique "nation," sharply distinct from the rest of Ireland as well as from the rest of the United Kingdom. The authors, while differing in particulars, agree that devolution has worked well in Northern Ireland, perhaps because it was really never needed there. This is a useful and important book, probably the most important general study since Mansergh.

*The Rebuilding of Italy: Politics and Economics, 1946-1956*. BY MURIEL GRINDROD. (London and New York: Royal Institute of International Affairs. 1955. Pp. vii, 269. \$4.00.)

The first English-language effort to deal comprehensively with Italian government since the war. Miss Grindrod, who is now editor of *The World Today*, published in 1947 an excellent short survey of *The New Italy*. The present volume is far more ambitious; it contains a brief history of political and constitu-

tional development since 1945, a lengthy analysis of elections and party controversy, and a perceptive discussion of the problems of postwar Italian policy: foreign affairs, economic recovery and development, social welfare, land reform, etc. The able work of a competent student, this book is the best thing now available on postwar Italy.

*La Regione Friuli-Venezia Giulia. Parte prima. Cenni sul problema regionale e proposta di statuto.* BY DIEGO DE CASTRO. (Bologna: Cappelli. 1955. Pp. 165.)

The brief study of one of the autonomous regions of Italy under the 1946 Constitution is by one who has been closely associated with its problems. The second part is to take up the history and ethnic and economic considerations.—J.B.C.

*The Struggle For Asia.* BY SIR FRANCIS LOW. (New York: Frederick A. Praeger. 1955. Pp. ix, 239. \$3.50.)

*The Struggle for Asia* is a thoughtful and informative book, "for the average western citizen," by a journalist with long experience in Asia. After surveying the internal situations in various countries of Asia, the author considers the "struggle for Asia." This struggle is

"not Asian nationalism versus the West; it is Asian nationalism versus Communism." While the author is able to discuss SEATO with admirable fairness, he is, nevertheless, more impressed with the contribution of the Colombo powers, whose most important spokesman is Nehru, to the nationalist, democratic cause.

*The Control of Teachers in Communist China: A Socio-Political Study and Reactions in Communist China: An Analysis of Letters of Newspaper Editors.* BY CHARLES K. S. WANG; *Chinese Communist Anti-Americanism and the Resist-America Aid Korea Campaign and The Family Revolution in Communist China.* BY WEN-HUI C. CHEN, CHIEF CONTRIBUTOR. (Lackland Air Force Base, Texas: Air Force Personnel and Training Research Center, Air Research and Development Command, Technical Research Reports No. 36 and No. 33, Memoranda No. 36 and No. 35. 1955. Pp. x, 61; xi, 115; xiii, 22; xii, 65.)

Four volumes in the U. S. Air Force "Chinese Documents Project." The general project was under the direction of Professor T. H. E. Chen of the University of Southern California, and the reports are based primarily on research in Chinese sources.

## SELECTED ARTICLES AND DOCUMENTS ON

## FOREIGN AND COMPARATIVE GOVERNMENT

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## INTERNATIONAL LAW AND RELATIONS

*The European Coal and Steel Community: Experiment in Supranationalism*. BY HENRY L. MASON. (The Hague: Martinus Nijhoff. 1955. Pp. xi, 153.)

It was some eighty years ago that Bismarck commented tartly, "Whoever speaks of Eu-

rope is wrong." Certainly little has occurred since to prove his judgment false. Yet, between the two World Wars, Ortega y Gasset, in his *Revolt of the Masses*, could suggest that the idea of Europe was less unbelievable then than that of Spain had been in the eleventh cen-



tury. Events of the last decade lend support to Ortega's optimism, although many, with good reason, remain skeptical.

Enthusiasm for European union has, in recent years, created many movements and institutions, public and private. Some have proved useful; others seem to be still-born. But, in its effective activity and in its promise, one has been outstanding: the European Coal and Steel Community, often called the "Schuman Plan." To this, as a "pilot experiment in supranational organization," Professor Mason has devoted an excellent little book. With recognition that neither municipal nor international law forms an entirely appropriate framework for analysis, the author endeavors to bring out the general political and constitutional aspects of the Community through a combination in interpretative analysis of the provisions of the treaty and conventions, the expressed opinions of those who have worked with those provisions, and the accomplishments of the organization through 1954. He concludes with a discussion of the nature of supranational organization, and with the prospects of the Coal and Steel Community in a more hostile world than that of its inception. The work is welcome, as there is relatively little analytical material on the subject in English, and not much in other languages.

Professor Mason's discussion brings out clearly that the institutions and procedures of the Schuman Plan refuse to be comprehended within the concepts to which we are generally accustomed. It is, in a sense, a new world in creation, and, if it survives, it will have its own appropriate concepts. Early in the book the author calls attention to the exceptional character of the Community by remarking the peculiar circumstances of its adoption, and in his final paragraph he observes the need for its own sustaining myth. Further evidence on this point is scattered throughout the work: the important role of the Court (p. 42), accompanied by an indication of its limitations in cases of conflict with national tribunals (p. 46); the extensive governmental powers of the High Authority (p. 74), combined with reluctance to exercise them in important issues (p. 92). It is perhaps regrettable that Professor Mason did not orient his analysis more specifically to this perspective.

The author notes that at the time of writing it was still too early to reach even tentative conclusions whether the Community had been able to live up to expectations. A year and a

half later the same diffidence is appropriate. Critical conditions which would test it have not yet appeared, and the degree of support for it in member countries remains quite uncertain. A few years ago there were numerous proposals for similar "pools" in agriculture, transportation, and power. Of these one hears little today. Only Euratom and the recent proposal of the Spaak committee for a customs union along Schuman plan lines are still, in mid-1956, candidates for actuality. Yet, even if the Coal and Steel Community fails, so did many efforts at national unification. The experiment remains a valuable one.—WILLIAM H. HARBOLD, *University of Washington*.

*Indian Foreign Policy, 1947-1954: A Study of Relations with the Western Bloc.* By J. C. KUNDRA. (Groningen, Netherlands: J. B. Wolters; Bombay: Vora & Co., Publishers, Ltd. 1955. Pp. xi, 239. Rs. 16/-.)

In this study of India's relations with the United States and the Commonwealth countries, Dr. Kundra endeavors to go beyond a mere cataloguing of the moral principles which his country's foreign policy is declared to be pursuing and to explore the "background" of that policy. While he omits the function of various domestic forces (such as the legislature and bureaucracy, interest groups, media of communication), he undertakes an evaluation of geographical, historical, and ideological determinants. This is a formidable task and, if the analysis is not altogether informed by a consistent thesis, it at least penetrates frequently to the fundamental questions associated with India's view of world affairs. It gives proper attention, for example, to the sub-continent's geographic vulnerability to both blocs—to the Communist nations by land and to the Western powers by sea—and to the hypothesis of the "synthetic" quality of the Indian mind, as likely influences in the formation of policy.

Proceeding to an account of the major events of India's relations with the United States, Dr. Kundra provides a useful analysis of stages in the development of the Indian attitude. He defines the first period (1947-1949) as one of relative indifference and inaction on both sides. One does indeed observe, in reading Nehru's statements on foreign policy in these years, a tendency toward improvisation, toward postponing specific commitments rather than disavowing them. Such a tendency would naturally result not only from an ab-

sorption in internal problems, but also from an awareness that the domestic determinants of foreign policy had not assumed clear form, as well as from pride and the absence of rigid predispositions. The second period (1949-1950), Dr. Kundra states, was characterized by distinctly warmer relations and a tendency on India's part to seek a loose alignment with the West. The decision to remain within the Commonwealth, involving mutual consultation and various formal and informal types of cooperation in both the economic and military spheres, provided evidence of this tendency. Dr. Kundra gives appropriate emphasis to the Commonwealth connection, which signified a certain spirit of accommodation toward the Western powers, although it was defended in India mainly as an opportunity to influence them. The third period (1950-1954) was one of assertive non-alignment, in which that policy was elevated to the status of a fixed principle, arising out of India's interpretation of a number of critical events—notably the Chinese absorption of Tibet, the Korean war, and, ultimately, the American decision to grant military aid to Pakistan. The Indian leadership demonstrated then (as now) an apparent conviction that it must not and need not provoke either bloc, supported by a growing confidence that India could herself eventually occupy great-power status.

It should be added that the utility of this study would have been greater if it had been submitted to more careful editing, since stylistic errors abound.—GENE D. OVERSTREET, *Institute of East Asiatic Studies, University of California*.

*The United Nations and Pakistan.* BY MUSH-TAQ AHMAD. (Karachi: The Pakistan Institute of International Affairs; Distributed in the U. S. by the Institute of Pacific Relations, New York. 1956. Pp. iii, 162. \$2.00.)

In these days of giantism Mr. Ahmad's book is continuing proof that good things sometimes come in small packages. It also presents some evidence of the development of political science in Pakistan since 1947, and of the increasing vigor of the Pakistan Institute of International Affairs in promoting the study of international relations. The introductory chapters present a brief, textbook-styled discussion of the background to the United Nations, regional arrangements, and the roles of the major organs of the United Nations. The remainder is devoted to a problem approach to the major

areas of conflict within and outside the Organization. Throughout, the Pakistan position is noted, but it is usually secondary to the expository presentation.

The chapter on "Revision of the Charter" is particularly lucid in its discussion of the weaknesses of the Organization and the difficulties faced in trying to overcome them. Mr. Ahmad concludes that "the paralysis that has afflicted the World Organization . . . arises out of disagreement and non-cooperation among the Great Powers and not because of any inherent defect in the Charter." It is toward an East-West rapprochement that the small states must exert their influence.

In the chapter, "Specific Situations and Disputes," Mr. Ahmad cushions his exposition with polemic. On the Palestine case, Pakistan's position that the "fatal step" of partition would make future reconciliation of Jew and Arab impossible is defended on the basis of post-partition developments. Mr. Ahmad also justifies Pakistan's policy favoring admission for Communist China on the grounds that Communist China, unlike the Nationalist government, is able to discharge Charter obligations. In analyzing the Kashmir dispute, he stresses the recalcitrance of India in refusing to agree to arbitration or the holding of a plebiscite. He concludes that the Security Council could and should have used "active intervention" to augment its pacific settlement procedures. India's claim to Kashmir is not discussed, nor is the paradox confronting the United Nations: viz., that the dispute constitutes a clash between law (India's position) and justice (Pakistan's position).

But the dominant theme of the book focuses on the cold war. Although the ramifications of the East-West struggle have played havoc with the new World Organization during its first ten years, Mr. Ahmad concludes, the peoples of the world stake their very lives on the hope that the Great Powers may recognize that the United Nations represents the only means of avoiding a civilization-destroying world war.

Mr. Ahmad has made competent use of both primary and secondary sources and has somewhat successfully tried to balance the legalistic, realistic, and moralistic approaches to major international problems. The student of international organization should welcome this book as a useful guide to the United Nations, as an accurate barometer of Pakistan's

position on many world problems, and as a critical appraisal of the UN Organization and some of its Members by an Asian scholar.—**JACK C. PLANO**, *Western Michigan College*.

*What the United States Can Do about India.*

By EUSTACE SELIGMAN. (New York: New York University Press. 1956. Pp. 56. \$2.95.)

A partner in the New York law firm of Sullivan and Cromwell, a man of wide international interests, explains briefly why the world looks different from the Indian and American viewpoints and why the interests of the United States are bound up in the Indian future.

*Das Selbstbestimmungsrecht der Nationen.* By DR. GÜNTHER DECKER. (Göttingen: Verlag Otto Schwartz. 1955. Pp. x, 435.)

A thorough and scholarly discussion of the historical and legal implications of the doctrine of self-determination. The author in addition to discussing the nature of self-determination and the various attempts which have been made to implement it from the eighteenth century to the present, also treats the problem of the nature of the nation and the nation state in contemporary political and legal theory. The work is comprehensive, covering the views of Russian, German and American theorists, the relation of self-determination to the League of Nations and the United Nations, and the specific manifestations of the problem not only in Europe but in Africa, Asia, and the Near East. A brief selection of key documents is appended to the book, which is made additionally valuable to students by the inclusion of a thorough and up to date bibliography.

*Le Vatican et la seconde guerre mondiale: action doctrinale et diplomatique en faveur de la paix.* By PAUL DUCLOS. (Paris: Editions A. Pedone, Libraire de la Cour d'Appel et de l'Ordre des Avocats. 1955. Pp. 246.)

The author seeks to give a survey of the doctrinal and diplomatic attitude of the Holy See to the problems of the Second World War and the preservation of peace. The period surveyed is from 1939 to 1945 and the study is divided into a statement of the position of the Vatican as a moral and doctrinal force in international affairs and to a consideration of the actual diplomacy engaged in by the papacy first to prevent and later to mitigate the Second World War. A concluding chapter deals with the

problem of the Just War. The author has succeeded in presenting an objective survey, relying for his facts upon official publications of the Holy See and allowing them to speak for themselves. The work is by no means exhaustive but will serve as a useful survey and introduction to the vast amount of material in the Vatican archives.

*Repertory of Practice of United Nations Organs.*

Vol. II: Articles 23-54 of the Charter; Vol. III: Articles 55-72 of the Charter; Vol. IV: Articles 73-91 of the Charter. By THE UNITED NATIONS. (New York: Columbia University Press. 1955, 1956. Pp. v, 457; v, 596; v, 461. \$3.50 each vol.)

The second, third, and fourth volumes of the announced five-volume summary and analysis of the meaning and working of the United Nations Charter. Prepared by the U. N. Secretariat, these volumes fully redeem the promise of the first (noted in this REVIEW, vol. xlix, p. 1203) and carry the analysis through Article 72. The fifth volume is expected in 1956.

*International Relations.* By M. MARGARET BALL AND HUGH B. KILLOUGH. (New York: The Ronald Press Co. 1956. Pp. viii, 667. \$6.50.)

A detailed and fairly standard new text, with considerable historical underpinning, which describes the nature of the international community, the methods of national policy implementation, the role of international organization, the place of collective security arrangements, and, in a final section entitled "Schism," examines the policies of the major powers.

*Principles of International Politics.* By CHARLES O. LEROUE, JR. (New York: Oxford University Press. 1956. Pp. xi, 430.)

A new introductory text, but the approach and the ground covered are familiar. An investigation of the state system and the nature of national power precedes two sections dealing with "International Conflict and Its Resolution" and "Alternatives to Conflict." In a section headed "Contemporary Problems," the current political, economic, and psychological aspects of international politics are examined.

*The Road to Peace and to Moral Democracy: An Encyclopedia of Peace.* By BORIS GOUREVITCH. (New York: International Universi-

ties Press, Inc. 1955. 2 Vols. Pp. xiv, 1083, xxvi, 1540. \$20.00.)

The author—a Russian exile who is described as socialist, pacifist, and Christian—attempts to illuminate the nature and utter seriousness of the present world crisis by commenting on practically everything done, and everything said or thought by any person of near-prominence in the world in the last decade. A 79-page index may make it of some use as a reference work.

*The Positive Contribution by Immigrants. A Symposium prepared for Unesco by the International Sociological Association and the International Economic Association.* (Paris: Unesco. 1955. Pp. 199. \$2.25.)

The third volume in Unesco's "Population and Culture" series, this contains studies on the United States, United Kingdom, Australia, Brazil, and Argentina, and a separate study on the economic aspects of immigration.

## SELECTED ARTICLES AND DOCUMENTS ON INTERNATIONAL LAW AND RELATIONS

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## POLITICAL THEORY, RESEARCH, AND METHODOLOGY

*Opinions and Personality*. BY M. BREWSTER SMITH, JEROME S. BRUNER, AND ROBERT W. WHITE. WITH THE COLLABORATION OF DAVID F. ABERLE, STANLEY G. ESTES, EUGENIA HANFMANN, AND SHERLON J.

KORCHIN. (New York: John Wiley & Sons, Inc.; London: Chapman & Hall, Ltd. 1956. Pp. vii, 294. \$6.00.)

Roughly speaking, there are three important questions regarding a political opinion: (1)

What is its validity? (2) What are its social and historical causes and consequences? and (3) Of what use is it to those who hold it? In this thorough-going analysis of ten men's opinions about Russia, the last of these questions achieves the focus of attention. Through interviews, psychological tests, and biographical material, the authors explore the personal meanings, sources, and utilities of each man's opinions. The findings are presented largely through case studies, preceded by a very fine theoretical section.

*Law as a Political Instrument.* By VICTOR G. ROSENBLUM. (Garden City, New York: Doubleday & Company, Inc. 1955. Pp. vii, 88. 95¢.)

After a general statement on the interrelations of law and politics, the author analyzes judicial policy-making in two areas—economic regulation in the milk industry and segregation in public education. He concludes with an essay on the relation of judicial policy-making to democracy. "Unless and until a governmental system can be evolved that is more susceptible than the present one to direct and responsible popular control, policy-making by our courts within the context of checks and balances, the adversary process, and *stare decisis* will continue to be an essential part of the process of democratic government" (p. 82).

*Six Books of the Commonwealth.* By JEAN BODIN. ABRIDGED AND TRANSLATED BY M. J. TOOLEY. (New York: The Macmillan Co. 1955. Pp. xliii, 212. \$2.50.)

Since no new English edition of the *Six Books of the Commonwealth* has been printed since the seventeenth century, this abridged and newly edited version will be welcomed. It is preceded by an introduction which provides a biographical sketch and a summary of the argument.

*The Doctrine of Anarchism of Michael A. Bakunin.* By EUGENE PYZUR. (Milwaukee, Wis.: The Marquette University Press. 1955. Pp. viii, 158.)

Michael A. Bakunin was one of the flamboyant figures of the revolutionary movement of the last century. Despite his temperamental and rather impractical nature he successfully contested with Karl Marx for the leadership of the Second International to the point that Marx was forced to transfer the headquarters of the movement to New York, preferring to

see it die a silent death there rather than to allow it to be dominated by the Bakunin heresies. In this work the author presents a succinct summary of Bakunin's doctrine of anarchism. The author makes extensive use of quotations from Bakunin's writings and on the whole allows his subject to speak for himself. The result is the best general introduction to Bakunin's theoretical views now obtainable in English.

*The French Faust: Henri de Saint-Simon.* By MATHURIN DONDO. (New York: Philosophical Library. 1955. Pp. 253. \$3.75.)

Students of social movements will be interested in this biography of Henri de Saint-Simon, which is the most recent treatment of this subject in English. The author has made extensive use of French sources and has consulted the important secondary ones on the Saint Simonian movement. A compact, readable, and objective account of one of the leaders of Utopian Socialism.

*Edward Bellamy: Selected Writings on Religion and Society.* EDITED WITH AN INTRODUCTION BY JOSEPH SCHIFFMAN. (New York: The Liberal Arts Press. 1955. Pp. xlix, 139. \$3.75.)

Edward Bellamy will be remembered as the author of *Looking Backward*, a Utopian phantasy of great popularity at the close of the last century. The present work endeavors to present Bellamy's general religious and social views in the form of excerpts from his writings. Unfortunately much of the excerpted material is from *Looking Backward*, which is still obtainable in cheap editions. The editor contributes a useful introduction to Bellamy's life and writings, but the book would have been of greater value had portions of Bellamy's unpublished and out-of-print works been included.

*The Political Thought of the German Romantics, 1793-1815.* EDITED WITH AN INTRODUCTION BY H. S. REISS. (New York: The Macmillan Co. 1955. Pp. vii, 211. \$2.50.)

Excerpts from the writings of Fichte, Novalis (Friedrich von Hardenberg), Adam Müller, and Schleiermacher with introductory notes and attached bibliographies and an introductory chapter by the editor.

*A Bibliography of the Works in English of Arnold Toynbee, 1910-1954.* COMPILED BY MONICA POPPER. (London and New York:

Royal Institute of International Affairs. 1955. Pp. 59. \$1.00.)

Students of the thought of Arnold J. Toynbee will welcome this bibliography. It is mimeographed; it includes an impressive array of publications, a fact which will be no surprise to those who have followed Toynbee's work in the theory of history.

*Science, Democracy, and Islam; and Other Essays.* BY HUMAYUN KABIR. (London: George Allen & Unwin, Ltd. 1955. Pp. 128. \$3.00.)

A collection of essays, some previously unpublished, dealing with current problems of democracy, political and social theory, and the role of the state in the modern world. The book is of interest on two counts: first, as an expression of the point of view of a contemporary Indian scholar, and second, as an example of how western liberal ideas have been woven into the thought of the East. The author believes that the future of modern culture depends upon the creation of a religious foundation on which it can be anchored and sees the Islamic faith as an appropriate quarry from which such a foundation may be dug.

*Confucius, His Life and Time.* BY LIU WU-CHI. (New York: Philosophical Library. 1955. Pp. xv, 189. \$3.75.)

Liu Wu-Chi has produced a very enthusiastic study of Confucius. A chronological account of Confucius's life is followed by a discussion of his ideas about education and the content of his teaching. The author of the study concludes that Confucius was more important as a teacher than as a moralist or statesman. The book will probably be more useful to the layman than to the specialist who is looking for new light on unresolved problems of scholarship.

*The American Democrat: Or Hints on the Social and Civic Relations of the United States of America.* BY JAMES FENIMORE COOPER. (New York: Vintage Books. 3rd ed. 1956. Pp. xxviii, 190. \$.95.)

The third edition of James Fenimore Cooper's well-known essay on American government and politics, with an introduction by Robert E. Spiller. Cooper's introduction to the first edition of 1838 and H. L. Mencken's introduction to the second edition of 1931 are also reproduced.

*The New American Right.* EDITED BY DANIEL BELL. (New York: Criterion Books. 1955. Pp. xii, 239. \$4.00.)

A series of essays, several of which have been previously published, by Daniel Bell (the editor), Richard Hofstadter, David Riesman and Nathan Glazer, Peter Viereck, Talcott Parsons, Nathan Glazer and Seymour Martin Lipset, and Seymour Martin Lipset.

*A Larger Concept of Community.* BY JEFFERSON B. FORDHAM. (Baton Rouge: Louisiana State Press. 1956. Pp. 117. \$3.00.)

An excellent little book presenting Dean Fordham's contribution to The Edward Douglas White Lectures on Citizenship. It is a vigorous presentation of views relating to the metropolitan community, the trans-state regional community, and the international community.

*Kibbutz: Venture in Utopia.* BY MELFORD E. SPIRO. (Cambridge, Mass.: Harvard University Press. 1956. Pp. xii, 266. \$4.50.)

An anthropological study of a Marxist-oriented kibbutz of about 500 people founded by some disillusioned urban European Jews. The analysis of the kibbutz's moral postulates and social organization—particularly the unique marriage and family patterns as well as the political structure—points up the practical problems plaguing "utopians."

*Personal Influence: The Part Played by People in the Flow of Mass Communications.* BY ELIHU KATZ AND PAUL F. LAZARSFELD. (Glencoe, Ill.: The Free Press. 1955. Pp. xx, 400. \$6.00.)

*New York State Library. Checklist of books and pamphlets in the social sciences including anthropology, economics, philosophy, political science, psychology, welfare, but not including education, history and law.* (Albany: New York State Library. 1955. Pp. viii, 142.)

The alphabetical finding list giving author, brief title, publication date and call number is intended not only as an aid to users, especially for interlibrary loan, but as "a pilot project, a challenge to the hand-wringing school of librarians who view the rising flood of publications with gloom and panic, while they cite the lamentation of Ecclesiastes and seek to reduce or contain their collections in size." The work, including more than 40,000 titles, while not listing periodicals, newspapers, other types of serials and uncatalogued government documents, does take in many documents catalogued separately as well as a great many other titles likely to be of use to the political scientist.—J. B. C.

# SELECTED ARTICLES AND DOCUMENTS ON POLITICAL THEORY

ARNAUD B. LEAVELLE

Stanford University

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HERBERT A. SIMON

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## NEWS AND NOTES

### PROFESSIONAL CONFERENCES

The fourteenth annual meeting of the Midwest Conference of Political Scientists was held May 3-5 at Marquette University with 225 persons in attendance. Featured speakers were Denis W. Brogan of Cambridge University who spoke on "The Prospects of Political Science in Europe," Harold Lasswell whose topic was "The Professional Problems of Political Scientists," and Gerhart Niemeyer whose subject was "General Assumptions Concerning Soviet-American Relations." Round table discussions were conducted on the following topics: "Midwest Political Parties," "The Role of Political Theory in Political Science," "Woodrow Wilson as Domestic and Foreign Policy Leader," "Civil Liberties and National Security," "Political Implications of Land Reform in Asia and Latin America," and "National and International Implications of the Twentieth Party Congress."

The most important decision of the business meeting was the action to establish a *Midwest Political Science Journal* in cooperation with the Wayne University Press.

The officers elected by the Conference for 1956-1957 were Wilfred Binkley, Ohio Northern University, President; Marshall Knappen, University of Michigan, Vice President; Reginald Laing, Carleton College and Ivan Stone, Beloit College, members of the Executive Council for three year terms.

The 1957 meeting of the conference will be held in Springfield, Illinois on May 2-4. The program chairman is Ralph Straetz of Miami University. Co-chairmen of the Committee on Local Arrangements are Jack Isakoff of the Illinois Legislative Council and Philip Monypenny of the University of Illinois.

The Northern California Political Science Association held its annual meeting on May 5 at Stanford University. There were papers delivered and panel discussions held on "Pre-Convention Politics" in general and on the election issue politics of civil rights, foreign policy, farm and conservation. Professor Henry Ehrmann of the University of Colorado addressed the luncheon session on "Pressure Groups in France and Great Britain." Officers elected for 1956-57 were: President Arnaud B. Leavelle, Stanford University; Vice-

President, Earl C. Segrets, Sacramento State College; Secretary-Treasurer, Rev. Richard J. Roberts, University of Santa Clara. The following were named members of the council: Norman Jacobson, University of California (Berkeley); Hyman Palais, Humboldt State College; Vernon Puryear, University of California (Davis); Roy Archibald, College of San Mateo; Dean R. Cresap, San Jose State College; Robert L. Johnston, Mills College.

The Pacific Northwest Political Science Association held its Ninth Annual Meeting at Willamette University April 20-21. The following officers were elected: John Swarthout, President; George Wolfe, College of Idaho, Vice-President; Donald Balmer, Lewis and Clark College, Secretary-Treasurer; Board Members: Rev. Richard Twohy, S. J., Gonzaga University, and David Corbett, University of British Columbia.

The 1955-56 Annual Meeting of the New England Political Science Association was held on May 5th at the University of Connecticut. Four papers were presented: "Egypt in Transition," by Walter Sharp of Yale University; "An Approach to the Analysis of Political Systems," by David Easton of the University of Chicago; "The Presidential Press Conference," by Elmer Cornwell, Jr., of Brown University; and "The NAACP and the Courts" by Clement Vose of Bowdoin.

At the business meeting the following officers were elected for the coming year: Athern Daggett, Bowdoin College, President; Guy H. Dodge of Brown University, Vice President; and George Goodwin, Jr., University of Massachusetts, Secretary-Treasurer. Elected to the executive committee were: Gwendolyn Carter, Smith College; James W. Fesler, Yale University and Andrew Gyorgy, Boston University.

The Eighth Annual Conference on American Foreign Policy was held at Colgate University July 2-6. The conference theme was "Waging Peace for Freedom." Approximately 50 outstanding speakers and discussion leaders participated in the conference.

The Committee on East European Studies

of the University of Texas will hold a three-day conference on "The Present Political State of East Europe" in Austin, October 11-13, 1956. The conference is being financed by a grant from the Social Science Research Council. Discussion leaders include Professor John Hazard of Columbia University; Professor Andrei Lobonov-Rostovsky of the University of Michigan; John Morrison, Geographic Consultant on the U.S.S.R.; Harrison Salisbury of *The New York Times*; and Professor Donald Hodgman of the University of California.

The Second Conference on Democratic Theory was held at Buck Hills Falls, Pennsylvania, June 11-19. Directed by William S. Stokes the conference was sponsored by The Foundation for American Studies which is financed by the William Volker Fund. Formal papers were given by Dwight Waldo, William McGovern, Eric Voegelin, Felix Morley, Henry S. Kariel, Alfred de Grazia, William S. Stokes, Willmoore Kendall, Herbert Butterfield.

On March 7-8 the Ninth Annual Conference of the William Edgar Borah Outlawry of War Foundation was held on the campus of the University of Idaho. The series of conferences is devoted to the general theme "The Causes and the Conditions of Peace." This year the specific theme was "Cultural Diversity and World Peace." Major addresses on this theme were delivered by Melville J. Herskovits, Northwestern University, George H. T. Kimple, Director of the African Survey of the Twentieth Century Fund; Harold H. Fisher, Director Emeritus, Hoover Institute and Library, and Boyd A. Martin, University of Idaho.

The Eighth Annual Workshop in Problems of State and Local Government was held at Indiana University, June 18-July 6, under the joint sponsorship of the department of government and the school of education. Louis E. Lambert of the department of government was chairman.

The World Affairs Council of Northern California held a conference on April 13-15. Among the speakers at the various sessions were Allan Dulles of the C.I.A., Carl Marcy, Senate Committee on Foreign Relations, Edwin Wright of the State Department and Morton A. Kaplan of the Center for Advanced Studies in the Behavioral Sciences.

A workshop entitled "Germany: United or Divided" was sponsored by the department of political science, Marshall College, June 2-21. Visiting lecturers were Taylor Cole, Duke University, Herbert Weil, German Embassy, Conley H. Dillon, head of the department of political science, Marshall College. Carl Leiden of Marshall College directed the workshop.

The Seventh Annual Conference on Problems of American Foreign Policy was held at Indiana University June 29 and 30. The topic was "The Russian Enigma and Western Response." Professor Edward H. Buehrig served as Chairman. Speakers included Harry Schwartz of *The New York Times*; C. Burke Elbrick, Acting Assistant Secretary of State for European Affairs; Brigadier General Charles H. Bonesteel III, Department of Defense; Mr. Nugroho, Minister Counselor of the Indonesian Embassy; Mr. Mahmood Shafqat, First Secretary of the Pakistan Mission to the United Nations; Mr. J. O. Udoji, Permanent Secretary, Ministry of Health, Eastern Region, Nigeria; and a panel consisting of Messrs. Robert Strausz-Hupe, Norman Palmer, Gerhart Niemeyer, and Colonel William R. Kintner.

The Third Mid-West Seminar on U. S. Foreign Policy will be held on the campus of the University of Wisconsin September 9-14, 1956. The Seminar is one of a series jointly sponsored by four midwest universities: Illinois, Michigan, Minnesota and Wisconsin and financed by a grant from the Ford Foundation.

The final conference held by the Northwestern University department of political science in connection with its Curriculum Development Project (supported by the Carnegie Corporation) met March 15-17, 1956 and was concerned with the Study of the Community. Papers prepared in advance and discussed at the Conference were: "The Nature of Community and Methods of Community Analysis," by Gordon W. Blackwell, University of North Carolina; "The Political Implications of Community Identification," by Angus Campbell, University of Michigan; "Studying Associations and Organization Structure," by Peter H. Rossi, University of Chicago; and "Individual Participation in Mass Society," by Scott Greer, Occidental College. A limited number of copies of the above papers are available for distribution (as are a few copies of papers read at earlier conferences) from the Curriculum Development

Project, Northwestern University, Evanston Illinois.

The department of political science at the University of California at Los Angeles, in cooperation with the American Institute of Planners, sponsored a Planning Institute June 8 and 9 on the subject: Transportation and Metropolitan Planning. Professor Ernest A. Engelbert served as director of the Institute, and the research papers presented will be published.

The Public Administration Service of the department of government, University of New Hampshire, conducted a Public Affairs Institute on the revision of the New Hampshire Constitution on April 7, 1956.

The American University's department of government and public administration during the Summer Session sponsored again its regularly scheduled Public Affairs Laboratory. The Laboratory was under the direction of Catheryn Seckler-Hudson, chairman of the department of government and public administration, Charles M. Hersh, associate professor of government and public administration, and Royce Hanson, lecturer in government and public administration.

The District of Columbia Political Science Association (DCPSA) held its fourth meeting of the current year in the Lounge of the Brookings Institution, May 31, 1956. Sidney Hyman, author of *The American President*, delivered an address on "The Presidency and the Party System."

## OTHER ACTIVITIES

The Ford Foundation has given \$1,275,000 to Columbia University to further its work in international affairs. The grant will be used for three main purposes: to expand the Columbia staff in various fields of foreign policy; to develop and strengthen the work of the Near and Middle East Institute, and to produce a greater degree of integration in the teaching of law, business, economics and foreign problems.

The Fund for the Advancement of Education has granted \$13,950 to Fordham University's department of political philosophy and the social sciences for research and experimentation on the relationship of class size to the effective teaching of politics, economics and sociology.

The Claremont Graduate School has recently established the Story Program in Public Affairs leading to the Master of Arts degree. This program honors the late Russell McCulloch Story, former President of Claremont College and Professor of government. Concentrations are offered in business economics, government administration and international relations. The Story Program is designed to help prepare young men and women for responsible positions in business and government, at home and abroad.

A new program in natural resources administration is being offered on the graduate level by the Institute of Public Administra-

tion and the School of Natural Resources at the University of Michigan. The program combines the fields of public administration and conservation and leads to the degree of Master of Science in the Horace H. Rackham School of Graduate Studies.

The Social Science Research Council has recently announced three new programs of grants for research in fields of special interest to political scientists, as well as to other social scientists. The Committee on Comparative Politics will administer a program of grants for field studies of political groups in areas outside the United States. The Committee on National Security Policy Research will administer a program of grants for research on problems of national defense in the period 1939-1955; this program complements that for research on the history of American military policy, which will again be offered in 1956-57. The Committee on Political Behavior will administer a program of grants to individuals for research on American governmental processes; the program of grants for research on state politics in the United States will again be administered by this Committee in 1956-57. Awards are made under these programs on a competitive basis to individuals possessing the Ph.D. or its equivalent. Application forms and information about these programs may be obtained by writing to the Social Science Research Council, 726 Jackson Place N. W., Washington 6, D. C.



The Institute of Public Administration of the University of Michigan completed on June 15, 1956 a four year pioneering project to establish an Institute of Public Administration at the University of the Philippines in Manila. The project was financed with U. S. government and Philippine counterpart funds under the Point IV program. Originally the project was staffed entirely by Americans, with John W. Lederle as director and chief advisor. During the course of the project, a number of Filipinos were trained in the United States, and Filipinos have gradually assumed full responsibility for the new organization.

A program of Fulbright Predoctoral Fellowships providing internships at the International Institute of Administrative Sciences, Brussels and the International Union of Local Authorities, The Hague is available for the year 1957-58. Application forms and further information can be obtained from the Institute of International Education at 1 East 67 St., New York 21, New York.

A new publication, the *Journal of Administrative Affairs* appeared this year under the sponsorship of the Institute of Administrative Affairs, University of Tehran. Published in Persian, several hundred copies are mimeographed in English. Inquiries should be directed to the Institute for Administrative Affairs, USOM/Iran, APO 205, New York, New York.

The Brookings Institution has announced the appointment of six Research Fellows, three in economics and three in government for the academic year 1956-57. Those in government are Frank B. Cliffe, Jr., Staff Assistant, Public Administration Clearing House; Lester W. Milbrath, instructor in political science, University of North Carolina; and Merton L. Reichler, instructor in government, Columbia University. Laurin L. Henry, formerly of the Washington office of the Public Administration Clearing House, has been appointed a research associate, and Stanley Kelley, Jr., one of the 1955-56 research fellows, has been appointed to the staff for the year 1956-57. Roy B. Eastin, executive officer and formerly superintendent of documents of the Government Printing Office has contracted to prepare a third edition of Schmeckebier's *Government Publications and Their Use*, first published in 1936.

Charles Adrian has resumed his teaching

duties at Michigan State University this fall after acting as administrative assistant to Governor G. Mennen Williams from January to September 1956.

Charles S. Ascher, of Brooklyn College, attended congresses of the non-governmental organizations which he represents at the United Nations: the International Federation for Housing and Town Planning in Vienna in July, and the International Institute of Administrative Sciences in Madrid in September. He also attended the first Congress of the International Association of Legal Science in Barcelona.

William B. Ballis, of the University of Washington, was visiting professor at the University of Michigan in the 1956 summer session.

Willard F. Barber is now counsellor of Embassy in Warsaw, Poland.

Erwin W. Bard, of Brooklyn College, will spend a sabbatical year in Europe in 1956-57, based largely at the College of Europe in Bruges.

Loren P. Beth, of the University of Florida, taught at the summer session at Boston University.

Hugh A. Bone, of the University of Washington, directed the national workshop of the Citizenship Clearing House at Bedford, Pennsylvania in September.

Bernard Brown, of Michigan State University, has been awarded a post-doctoral Fulbright Research Scholarship for 1956-57 to Study in France.

Ben G. Burnett, of Whittier College, has received a Haynes Foundation grant for research in Latin America.

John C. Bollens, University of California (Los Angeles), is executive officer and research director of the Metropolitan St. Louis Survey, for 1956-57.

Herbert W. Briggs, of Cornell University, was elected Associe de l'Institut de Droit International at its meeting in Granada, Spain in April.

Henry L. Bretton, of the University of Michigan, spent the summer in the Gold Coast under a Rackham grant. He will spend the academic year, 1956-57, in Austria at the

University of Innsbruck under a Fulbright Fellowship.

Philip W. Buck resumes his teaching duties at Stanford after a year's leave in England.

Robert K. Carr, of Dartmouth College has been elected to membership in the American Academies of Arts and Sciences.

William S. Carpenter, of Princeton University, is consultant to the Law Revision and Legislative Services Commission in New Jersey and has served as acting director of its Division of Legislative Services and Research.

James C. Charlesworth has had his leave of absence from the University of Pennsylvania extended in order to permit him to continue as Secretary of Administration in the cabinet of Governor George M. Leader.

Edward K. T. Chen, of the University of Houston, is on a year's leave of absence engaged in research in Washington.

James Coleman, University of California at Los Angeles, is spending the year 1956-57 on leave in Africa.

Cornelius P. Cotter has been elected president of the Bay Area chapter of the American Society for Public Administration.

Hoyt Crider is returning to the United States this summer after a two year hitch with the Tehran group of the University of Southern California. He will serve as lecturer in the Civic Center division of the University and will be employed with the Office of the Administrative Officer of Los Angeles County.

Royden Dangerfield, of the University of Illinois, was a visiting lecturer at the summer school of Utah State Agricultural College.

Robert B. Dishman, of the University of New Hampshire, has been appointed by Governor Dwinell to serve a three-year appointment on the Legislative Council.

John Dorsey has returned to Michigan State University after a year with the University Technical Assistance Mission to the Vietnamese government.

Alex N. Dragnich, of Vanderbilt University, lectured at the Army War College February 5-10, 1956, on the future of United States policy toward Yugoslavia, and served as consultant to the Study Group on South-eastern Europe.

David Easton of the University of Chicago, will deliver a paper entitled "An Approach to the Analysis of Political Systems" at the International Political Science Association Conference in Geneva, Switzerland.

William Ebenstein, of Princeton University, was a visiting lecturer at the University of Wisconsin during the summer of 1956.

John H. Ferguson, of The Pennsylvania State University, has been granted a second year's leave of absence to continue his work as Director of Program Evaluation in the Office of Administration of the Commonwealth of Pennsylvania.

LeRoy Ferguson, of Michigan State University, is the recipient of a grant from the Social Science Research Council for 1956-57.

Houston I. Fournoy, who recently received his Ph.D. degree from Princeton, is now serving as legislative assistant to United States Senator H. Alexander Smith.

Russell H. Fifield, of the University of Michigan, spent the summer in Southeast Asia under a Horace H. Rackham grant.

Russell Fitzgibbon, University of California at Los Angeles, has been elected president of the Western Political Science Association, 1956-57.

Harry J. Friedman, of the University of Pittsburgh, will spend next year doing research in India and Pakistan.

William J. Gore served as a project director for one of the seven research teams working for the Federal Civil Defense Agency during the summer of 1956.

George A. Graham, of Princeton University, will be on a leave of absence during the academic year 1956-57 to serve as director of the public affairs program for the Ford Foundation.

J. A. C. Grant, of the University of California at Los Angeles, has accepted an invitation of the Republic of Vietnam to spend the summer in Saigon as advisor on constitutional law and judicial and legal reform. He recently returned from a year's leave in Spain and will resume his duties at Los Angeles in mid-September.

Elmer D. Graper, former head of the depart-

ment of political science of the University of Pittsburgh, has been appointed chairman of the Civil Service Commission of the Commonwealth of Pennsylvania.

Andrew Gyorgy, of Boston University, delivered the last of the 1956 Marshall Woods lectures at Brown University.

John H. Hallowell will return to Duke University in September, 1956 after a year's sabbatical leave in Germany.

Ferrel Heady, of the University of Michigan, attended the International Congress of Administrative Sciences in Madrid September 2-8, 1956.

Dell G. Hitchner, University of Washington, has received a U. S. Specialists grant from the State Department.

Edward W. Hughes, lecturer in politics at Kings College, New Castle, England, will spend 1956-57 as visiting lecturer at the University of Michigan under a Fulbright grant.

Harry V. Jaffa will be on leave of absence from Ohio State University for the year 1956-57, doing research under a grant from the Rockefeller Foundation.

Thomas Jenkins of the University of California at Los Angeles, will be on leave for the academic year 1956-57.

Raymond A. Jolly returns from a two and a half year appointment with the Tehran unit of the University of Southern California. He will continue as a lecturer with the School of Public Administration.

John H. Kautsky, of Washington University, taught at the summer session of the University of Rochester.

William J. Keefe, of Chatham College, has been appointed to the Pennsylvania Commission on Governmental Reorganization which will report to the 1957 session of the legislature.

Richard J. Kozicki, research fellow at the University of Pennsylvania, has received a Ford Foundation fellowship for 1956-57.

Robert S. Lancaster is returning to the University of the South after a year spent as Fulbright exchange professor at the University of Baghdad.

George A. Lanyi returns to Oberlin College

in September after spending a year in London on a Ford Faculty Fellowship.

Donald R. Larson, of the University of Miami, is on leave of absence working with the Public Administration Service on various projects throughout the United States and Alaska.

Walter H. C. Laves, of Indiana University, attended a UNESCO Conference on Evaluation of Technical Assistance projects at McGill University, May 29-June 1, 1956. He has been appointed a member of a Special Joint Committee of the American Council on Education Commission on Education and International Affairs and the Committee on Institutional Projects Abroad.

Leo Lott, of Ohio State University, was a visiting lecturer in the summer session at the University of Wisconsin.

Harry A. Marlow, formerly Director, the Civic Center Division, School of Public Administration, University of Southern California, and for the past two years Chief of Party of the faculty at the Institute for Administrative Affairs, University of Tehran, is on home leave this summer prior to his return to Tehran for another two year hitch as Chief of Party.

Hubert Marshall, of Stanford University, is serving as associate director of the Stanford Committee on Undergraduate Education.

Albert B. Martin of The Pennsylvania State University has been engaged as a consultant to the Reorganization Commission of the Commonwealth of Pennsylvania.

Charles E. Martin, of the University of Washington, has been appointed director of the World Affairs Symposium to be held at Riverside, California in December.

M. Nelson McGeary, of The Pennsylvania State University, served during the summer as research consultant to the Commission on Government Reorganization of the Commonwealth of Pennsylvania.

Peter Odegard will be on leave from the University of California for the 1956-57 academic year.

Daniel M. Ogden, Jr., of the State College of Washington, will be on sabbatical leave in 1956-57 and will spend the year in Washington, D. C.

Felix Oppenheim, of the University of Delaware, has been awarded a Guggenheim Fellowship for the academic year 1956-57.

Vincent Ostrom will return to the University of Oregon after occupying a fellowship at the Center for Advanced Study in the Behavioral Sciences. He will serve as director of research for the Northwest Cooperative Project in Educational Administration financed by the Kellogg Foundation.

James K. Pollock, president of the International Political Science Association, presided over a meeting of the executive committee of that organization and a round table following immediately afterward. Edward H. Litchfield, the American member of the executive committee and Evron Kirkpatrick, executive director of the American Political Science Association were in attendance. The sessions were held in Montreux, Switzerland, September 10-14.

Rollin B. Posey, of Northwestern University, will be on leave for the year 1956-57.

Constantine Rackauskas will be on leave from Fordham University during the Fall semester of 1956.

Martin R. Ream, of the University of Southern California, is returning to the faculty of the Institute of Administrative Affairs of the University of Tehran.

Emmette S. Redford, of the University of Texas, has been granted a leave of absence for the fall semester 1956-57.

Neal Riemer, of The Pennsylvania State University, taught at the summer School at Cornell University.

Benjamin Rivlin, of Brooklyn College, has been granted a Fulbright fellowship for research in North Africa.

Victor Rosenblum is on semi-sabbatical leave of absence from the University of California for the fall semester.

Ernest E. Rossi, of the University of Pittsburgh, has been granted an Italian Ministry Foreign Affairs fellowship at the Bologna Center of the School of Advanced International Studies of Johns Hopkins University.

Richard F. Schier, of Franklin and Marshall College, was retained for the past summer by the Bureau of Municipal Affairs, Commonwealth of Pennsylvania.

Robert Scott, of the University of Illinois, has returned from a year's sabbatical leave, most of which was spent in Spain.

H. P. Secher, of Western Reserve University, has been awarded a Fulbright Grant for 1956-57 as an Advanced Research Scholar.

Lester G. Seligman, of the University of Oregon, has been awarded a two year grant-in-aid by the Social Science Research Council. He will be on leave during 1956-57.

Chandler Shaw, of Bethany College, taught at the summer school of West Virginia University.

William Shepherd, of Beloit College, has resigned to enter the field of radio communications.

Foster Sherwood, of the University of California at Los Angeles, is on sabbatical leave for the academic year 1956-57 to engage in research under a grant from the Rockefeller Foundation.

H. Gordon Skilling, of Dartmouth College, taught at the summer session of the University of Vermont.

Rhoten A. Smith has returned to the University of Kansas after completing a year's leave of absence to serve as Associate Director of the National Citizenship Clearing House, Law Center, New York University.

Richard Snyder, of Northwestern University, will be on leave during 1956-57.

George Stambuk, of Indiana University, has received a John Hay Whitney Foundation fellowship grant.

Richard W. Sterling, of Dartmouth, has been awarded a Rockefeller Foundation grant for the year 1956-57.

Paul D. Stewart, of Marshall College, has been serving as research director of the All Huntington Association for a City Manager Form of Government and was elected to the Charter Board in the May primary.

Ivan M. Stone, of Beloit College, was recently elected vice president of the North Central Association of Academic Deans.

William Bruce Storm, of the University of Southern California, will be with the Tehran group during 1956-57.

Thor Swanson, of the State College of Washington taught at the Syracuse University summer session. He will be on leave during 1956-57, having been awarded the Staff Fellowship of the National Municipal League.

Eduard Taborsky, of the University of Texas, has returned after holding a visiting professorship at the University of Tennessee.

Hans B. Thorelli has been awarded the annual prize of the Fahlbeck Foundation. He recently resigned as Director of the Industrial Council for Social and Economic Studies, Stockholm, Sweden to become an associate of the new Marketing Research Service of the General Electric Company, New York City.

Wayne Untereiner, of the University of Southern California, will be with the Tehran group during 1956-57.

Arthur H. Vandenberg, Jr. of the University of Miami, is spending the summer touring the Middle East and Europe.

John Vanderzell has resumed his duties at Franklin and Marshall College after a one year leave of absence to serve as director of research, Bureau of Municipal Affairs, Commonwealth of Pennsylvania.

William Verhage, of Boston University, has returned from a Fulbright lectureship at the International Christian University, Tokyo, Japan.

S. Sidney Ulmer has been teaching at the summer session of the University of Houston.

Harvey Walker, of Ohio State University, has started a one year assignment as a member of a technical assistance team for the United Nations, teaching public administration in a United Nations specialized school in San Jose, Costa Rica.

Robert E. Ward, of the University of Michigan, is spending his sabbatical year, 1956-57, in Japan under the auspices of a Fulbright grant and a Rackham Fund grant.

James T. Watkins IV, of Stanford, served during the past year as chairman of the regional committee of the National Woodrow Wilson Fellowship Program.

Edward Weidner, of Michigan State University, was Public Administration Specialist of a Michigan State University Ford Foundation mission to the government of Pakistan during most of June and July. He also spent several weeks in Saigon in his capacity as coordinator of the Michigan State University Technical Assistance Mission to the government of Vietnam.

Egbert S. Wengert, of the University of Oregon, will spend the major portion of his sabbatical leave during 1956-57 as visiting professor of public administration in the Institute of Public Administration in Manila.

Allen Whiting, of Michigan State University, served as a consultant to the Rand Corporation during the past summer.

York Willbern, of the University of Alabama, taught at the first summer session of Duke University.

Philip Williams, of Jesus College, Oxford, was a visiting lecturer at the University of Wisconsin summer session.

Arthur M. Wilson, of Dartmouth, has been awarded a Guggenheim Fellowship.

The Woodrow Wilson Centennial Commission is anxious to receive information about all 1956 Wilson literature and all Centennial activities and programs. Information about and copies of all addresses, papers and sermons would be appreciated. Readers are asked to send in notices about all programs and activities, lecture series, discussion forums, library and school exhibits, TV or radio programs, musical or dramatic presentations, and to include the date, place, sponsoring group and participants. Communications should be sent to The Woodrow Wilson Centennial Commission, Interior Building, Washington 25, D.C.

## APPOINTMENTS AND STAFF CHANGES

Gilbert Abecarian, of Sacramento State College, has been appointed visiting assistant professor of political science at the University of Tulsa.

Emile B. Ader is on leave of absence from

the University of Tulsa to work with the United States Information Agency.

Charles Aiken has been appointed chairman of the political science department at the University of California.

Elton Atwater, associate professor of political science, has been appointed head of the department of political science at The Pennsylvania State University replacing Harold F. Alderfer.

Hans Baerwald, doctoral candidate at the University of California, has become assistant professor of government at Miami University (Ohio).

Chester W. Bain has been appointed assistant director of the bureau of public administration, University of Virginia. He continues as assistant professor of political science.

Sidney Baldwin, of Northwestern University, has accepted a position as assistant professor of political science at San Diego State College.

Joseph W. Ballantine, formerly director of Far Eastern affairs in the Department of State, will serve as visiting professor at the University of Miami during 1956-57.

Donald G. Balmer has returned as assistant professor at Lewis and Clark College following completion of his doctorate at the University of Washington.

Edward C. Banfield has been appointed associate professor of political science at the University of Chicago.

William M. Beaney, Jr. has been promoted to associate professor in the department of politics at Princeton University.

George Belknap of Michigan State University will be a visiting professor at the University of California for the year 1956-57.

Oliver T. Benson of the University of Oklahoma will serve as visiting professor of government at the University of Texas during the fall semester, 1956-57.

G. Robert Blackburn has been appointed visiting assistant professor of political science at Washington University, St. Louis, for 1956-57.

George S. Blair has been promoted to the rank of associate professor of political science at the University of Pennsylvania. He is also chief educational associate at the University's Institute of Local and State Government.

George I. Blanksten, associate professor of political science, has become chairman of the

department of political science at Northwestern University.

Virgil C. Blum, S.J., formerly of Creighton University, has been appointed assistant professor of political science at Marquette University.

Wilmer L. Bohlmann, doctoral candidate at the University of Washington, will be acting instructor at the State College of Washington during 1956-57.

Kenneth P. Borgen has been promoted to the rank of professorial lecturer in the department of government and public administration at The American University.

Cecil C. Brett has been appointed instructor in government at Indiana University.

Louis Brownlow has been appointed visiting professor of political science at Washington University, St. Louis, for the spring semester of 1957.

William Buchanan, formerly of the faculty of Mississippi State College, has been appointed assistant professor of political science at the University of Southern California.

Ronald J. Bunn, formerly of Duke University, has been appointed instructor in government at the University of Texas.

John A. Bunzel has been appointed instructor of political science at Michigan State University.

George P. Bush has retired with the rank of professor emeritus of government and public administration at The American University.

Robert O. Byrd has become associate professor and occupies the Hugh S. Magill chair of the history and science of government at Illinois Wesleyan University.

Lynton Keith Caldwell has been appointed visiting professor of government and coordinator of the Thailand Public Administration program at Indiana University.

Byrum E. Carter has been promoted to associate professor in the department of government at Indiana University.

Reo M. Christenson of the editorial staff of the *Toledo Blade* has joined the department of government at Miami University (Ohio).

Wesley Chumlea, formerly of the University

of Texas, has accepted appointment as instructor in government at Texas A. and M. College.

John M. Clarke has been promoted to the rank of professorial lecturer in the department of government and public administration at The American University.

I. L. Claude, Jr., has accepted an associate professorship at the University of Delaware.

James Coke has been promoted to the rank of Assistant professor of political science at the University of Pennsylvania.

Vernon F. Cook of Ohio State University has been appointed as instructor in the department of political science at Western Reserve.

Edward F. Cooke, formerly of Knox College, has been appointed assistant professor in the department of political science of the University of Pittsburgh.

Joseph D. Cooper has been promoted to the rank of adjunct professor of government and public administration in the department of government and public administration at The American University.

Robert W. Cox has been promoted to the rank of professorial lecturer in the department of government and public administration at The American University.

Michael Curtis has been appointed an instructor in political science at Yale University.

Martin Diamond has become assistant professor of political science at the University of Chicago.

Robert T. Daland of the University of Alabama has become assistant professor in the department of government and international relations of the University of Connecticut.

Thomas J. Davy has been promoted to the rank of assistant professor of political science at the University of Pennsylvania.

Howard E. Dean, who returns to the University of Oregon from his sabbatical leave in the fall, has been advanced to an associate professorship.

Herbert S. Dinerstein has been promoted to the rank of professorial lecturer in the department of government and public administration at The American University.

Paul Dolan, chairman of the department of political science at the University of Delaware, has a Fulbright lectureship at the College of Political Science, Wilhelmshaven, Germany, for the academic year 1956-57.

James R. Donoghue, director of the bureau of government at the University of Wisconsin, has been promoted to full professor.

Harold M. Dorr, professor of political science at the University of Michigan, has been named dean of state-wide education.

Cecil H. Driver has been appointed chairman of the department of political science, Yale University.

Eugene P. Dvorin has been appointed instructor at Michigan State University.

Clyde Eagleton, professor of international law at New York University, has retired.

Professor Rowland A. Egger has been appointed the new director of the Woodrow Wilson Department of Foreign Affairs at the University of Virginia. He has served for two years as the Near East representative of the Ford Foundation.

William C. Ellet, formerly of the State University of Iowa, has been appointed assistant professor of political science at the University of Virginia.

Garland Fothergill has been appointed assistant professor of political science at Wisconsin State College.

William O. Farber, professor of government at the University of South Dakota, has accepted a one year appointment in the department of political science at Northwestern University.

Herman Finer will be Walker Ames professor at the University of Washington during the winter quarter, 1957.

Ralph S. Fjelstad has been promoted to Congdon professor of government and international relations at Carleton College.

Vernon L. Fluharty has been promoted to the rank of assistant professor in the department of political science at the University of Pittsburgh.

Robert Y. Fluno has been promoted to the rank of professor of political science at Whitman College.

Daryll Forde, of University College, London, has been appointed visiting professor of political science and anthropology for the fall semester at the University of California.

William R. Gable, formerly of the Georgia Institute of Technology has accepted appointment as a research associate at the Institute of Public Administration of the University of Michigan.

William Howard Gammon, Project Coordinator, Accounting Policy Division Office of the Assistant Secretary of Defense, has been appointed to the faculty of the department of government and public administration of The American University.

John Gange, director of the Woodrow Wilson Department of Foreign Affairs has resigned from the University of Virginia. In June and July he will direct a Research Training Institute in International Relations for the Social Science Research Council at the University of Denver. In August he will go to Germany as a guest of the German government in Bonn and in October he will take up a Fulbright lectureship in American Studies at the University of Heidelberg.

Hubert S. Gibbs has been promoted to associate professor and chairman of the department of government at Boston University. Former chairman Lashley G. Harvey, remains as director of the bureau of public administration.

Gilbert F. Gilchrist resumes his duties as assistant professor of political science and history at the University of the South after a two year Fulbright scholarship at the University of London.

Ralph Goldman has been appointed assistant professor at Michigan State University.

Merrill R. Goodall has been appointed to the position of associate professor of Asian studies and government at the Claremont Graduate School.

Charles H. Goodman has been appointed to the faculty of the department of government and public administration as professor of government and public administration at The American University.

William Gore, formerly of the University of Washington, has joined the faculty at the

University of Kansas as assistant professor of political science and will direct the expanded M.P.A. program in state administration.

John Grumm has joined the faculty at the University of Kansas as assistant professor of political science.

Andrew Gyorgy will be on leave for the first semester 1956-57 from Boston University to lecture on Russian foreign policy at the Navy Staff College, Newport, R.I.

Andrew Hacker has been promoted to assistant professor of government at Cornell University.

Myron Q. Hale, formerly of Columbia University, has been appointed instructor in government at the University of Texas.

Louis J. Halle of the University of Virginia is on leave during 1956-57 and will be on the faculty of the Institut Universitaire des Hautes Etudes Internationales, Geneva, Switzerland.

Samuel Halperin, who received his Ph.D. at Washington University in 1956, has been appointed instructor in political science at Wayne University.

Paul Y. Hammond will join the staff of the Institute of War and Peace at Columbia in September, 1956 and will serve as lecturer in government in Columbia College.

Frederick H. Harris, who has been visiting professor at the University of the South, is rejoining the department of political science at the University of North Carolina.

Joseph P. Harris of the University of California will spend the fall in England as a Fulbright professor at the London School of Economics.

Louis K. Harris was promoted to the rank of associate professor of political science at Kent State University.

Guy B. Hathorn has been promoted to the rank of assistant professor of government and politics at the University of Maryland.

Sherman S. Hayden has become professor of international relations at Clark University.

Donald E. Hayhurst of the University of Pittsburgh has been appointed assistant professor in the department of political science at West Virginia University.



Joseph A. Hearst of Barnard College has joined the department of political science at Idaho State College.

John J. Hebal, doctoral candidate at the University of Minnesota, will be acting instructor at the State College of Washington during 1956-57.

Robert S. Hill has been appointed an assistant professor of political science at the University of North Dakota.

Edward H. Hobbs has been promoted to professor of political science at the University of Mississippi.

Robert T. Holt has been appointed to an instructorship in political science at the University of Minnesota.

Robert A. Horn has been promoted to associate professor of political science at Stanford University.

Fred Horrigan of Indiana University has been appointed research associate at the Institute of Public Administration at the University of Thammasat, Bangkok, Thailand.

Robert Horwitz has been appointed assistant professor at Michigan State University.

Thomas Hovet, Jr., formerly visiting assistant professor at Miami University, has been appointed assistant professor in the department of government of New York University.

Howard K. Hyde has been promoted to adjunct professor of government and public administration in the department of government and public administration at The American University.

Walter O. Jacobson has been promoted to the rank of professorial lecturer in the department of government and public administration at The American University.

G. Edward Janosik has been promoted to the rank of associate professor of political science at the University of Pennsylvania.

John E. Johns has joined the department of history and political science at Stetson University.

Scott D. Johnston has been promoted to professor of political science and head of a new department of political science at Hamline University. During 1955-56 his duties in-

cluded serving as coordinator of the Hill Foundation Four College Area Study Program on the Far East.

Ralph G. Jones, associate professor of government at the University of Arkansas, has completed a year at the University of Minnesota as visiting professor of political science. During 1956-57 he will occupy the chair of international law at the Naval War College, Newport, Rhode Island.

Conrad F. Joyner of the University of Florida has been named instructor in the department of political science at West Virginia University.

Claudius Johnson of the State College of Washington will serve as visiting professor at the University of California during the fall semester.

Eldon L. Johnson, former member of the political science faculty and dean of the graduate school of the University of Oregon has been inducted as the 13th president of the University of New Hampshire.

Morton A. Kaplan has been appointed assistant professor at the University of Chicago.

John K. King of the University of Virginia has resigned to accept a government position in Washington.

Henry A. Kissinger, formerly of the Council on Foreign Relations, has become assistant professor of political science at the University of Chicago.

James R. Klonoski, formerly of the University of Michigan, has been appointed to the faculty of St. Olaf's College.

Kenneth Kofmehl will serve as visiting assistant professor of political science at the University of Kansas.

James L. Kunen has been promoted to the rank of professorial lecturer in the department of government and public administration at The American University.

John Larson, formerly instructor in political science at the University of Michigan, has been appointed assistant professor of business administration at Northwestern University.

Richard H. Leach, who served as visiting lecturer in political science at Duke University during 1955-56, has joined the department of political science as assistant professor.

Luke T. Lee, formerly assistant professor of history and government at St. Lawrence University, has been appointed visiting assistant professor of political science at The Pennsylvania State University.

Shao Chuan Leng will be on leave from the University of Virginia during 1956-57 to lecture at Doshisha University, Kyoto, Japan.

J. G. Liebenow has been appointed assistant professor of government at the University of Texas.

Roy C. Macridis has been appointed associate professor of political science at Washington University, St. Louis.

Joseph F. Maloney has been promoted to the rank of assistant professor at Fordham University.

D. Bruce Marshall has been appointed an instructor in political science at Ohio State University.

Eugene A. Mawhinney, recently promoted to associate professor of political science at Elmira College, has been appointed chairman of the division of social science for a three year term.

Jaro Mayda, assistant professor of law at the University of Wisconsin, has become associate professor of comparative law at Louisiana State University.

Richard McCleery has become instructor of political science at Michigan State University.

Charles H. McLaughlin has been promoted to a full professorship at the University of Minnesota and will continue as director of the programs in international relations and area studies.

Daniel S. McHargue of the University of Michigan has been promoted to the rank of associate professor of political science.

James H. Meisel of the University of Michigan has been promoted to the rank of professor of political science.

Louis Menand III, of Dartmouth College has accepted the position of dean of faculty at Bradford Junior College, Bradford, Massachusetts.

August C. Miller Jr. of Wheaton College has been granted leave to serve as visiting professor of government at the Naval War College for the year 1956-57.

Warren E. Miller, formerly of the University of California has been appointed assistant professor of political science and research associate in the Survey Research Center at the University of Michigan.

Hans J. Morgenthau has been appointed visiting professor of government at Columbia University and visiting lecturer in government at Yale University for the first semester of the academic year 1956-57.

Robert L. Morlan has been promoted to professor of government at the University of Redlands. During 1956-57 he will serve as visiting lecturer in political science at the Municipal University of Amsterdam.

Donald Munding, who received his Ph.D. at Washington University in 1953, has been appointed assistant professor of government and economics at Augustana College.

Lloyd D. Musolf, associate professor of political science at Vassar College, has been elected chairman of the department for a two-year term.

Earl A. Nehring of the University of California (Los Angeles), has been appointed lecturer in government at Indiana University.

Benjamin Nelson has accepted appointment as professor of History and Social Science at Hofstra College.

Arthur A. North, S.J., of Fordham University has been advanced to an associate professorship.

Robert M. Northrop, formerly of the University of Michigan, has accepted an assistant professorship at Allegheny College.

Alfred G. Obern has been made assistant professor of public administration in George Washington University's new department of business and public administration. He will also supervise the governmental intern program.

Edward O'Connor has resigned as instructor in government at the University of Texas to accept appointment to the United States Foreign Service.

Robert Osgood has been appointed assistant professor of political science at the University of Chicago jointly with the Center for the Study of American Foreign Policy.

John R. Owens, formerly of Wesleyan University, has been appointed instructor in political science at the University of Michigan.

Charles A. Phillips has been appointed to the faculty of the department of government and public administration at The American University.

Roy Pierce, formerly of Smith College, has been appointed assistant professor of political science at the University of Michigan.

Jack C. Plano has been promoted to associate professor of political science at Western Michigan College. During the 1956 summer session he served as acting departmental chairman.

Charles Press has become an instructor in the department at Michigan State University.

Ralph Purcell, of Sweet Briar College, has been appointed visiting professor in the department of foreign affairs at the University of Virginia for 1956-57.

Michael D. Reagan, of the department of politics at Princeton, has accepted a position as instructor in Williams College.

John S. Reshetar, Jr., has been appointed visiting lecturer in political science, Yale University, for the next academic year.

Channing B. Richardson has been promoted to associate professor of political science at Hamilton College.

Bennett M. Rich has been promoted to a professorship at Rutgers University.

Clarence W. Rife, head of the department of history and political science at Hamline University since 1929, retired in June after 34 years of service.

William Ritchie, formerly of the University of Michigan, has been appointed to an instructorship at the University of Delaware.

James S. Roberts, formerly visiting assistant professor at the University of Minnesota, has accepted an assistant professorship in political science at the University of Nevada.

William Robson, of the London School of Economics and Political Science, will be at the University of California as a visiting professor during the spring, 1957 semester.

John P. Roche, who joins the staff of the department of political science at Brandeis Uni-

versity in September, will serve at Columbia as visiting professor of government for the academic year 1956-57.

Roland Robinson has been appointed as Research Associate and In-Service Training Officer at the Institute of Public Administration at the University of Thammasat, Bangkok, Thailand under the Indiana University department of government's ICA contract.

John H. Romani has been appointed assistant professor of political science at Western Michigan College.

Clinton Rossiter has succeeded Mario Einaudi as chairman of the department of government at Cornell University.

Stanley Rothman, formerly of Harvard University, has been appointed instructor in the department of government at Smith College.

Edward J. Rozek has been appointed assistant professor of political science at the University of Colorado.

Robert A. Rupen has received an appointment as assistant professor of political science at Bryn Mawr College.

Elie Salem, formerly of the department of public administration in the American University of Beirut, will return to the School for Advanced International Studies of Johns Hopkins University as assistant professor.

Bernard Schechterman joins the department of government, University of Miami, in September as instructor of government.

Joseph Schlesinger has been promoted to an assistant professorship at Michigan State University.

Waldo Schumacher will serve as acting head of the political science department at the University of Oregon during 1956-57.

Paul Seabury of the University of California will teach at Hamline University during the Spring, 1957.

Edgar L. Shor of Indiana University has been promoted to assistant professor. He will serve two years as visiting professor and research director at the Institute of Public Administration, University of Thammasat, Bangkok, Thailand.

David G. Smith has been appointed assist-

ant professor of political science at Stanford University.

Edward C. Smith, professor of political science and chairman of the social science group in the University College of Arts and Science, has retired from New York University.

Donald E. Smith, formerly of the University of Pennsylvania, will be an instructor in political science at the University of Rhode Island.

Ralph Smuckler has been promoted to an associate professorship at Michigan State University.

Russell A. Snook has been promoted to the rank of professorial lecturer in the department of government and public administration at The American University.

Herman Somers of Haverford College will be at the University of California as visiting professor for the 1956-57 academic year.

Frank Sorauf has been promoted from instructor to assistant professor of political science at The Pennsylvania State University.

James R. Soukup, formerly of the University of Michigan, has been appointed instructor in government at the University of Texas.

Harold J. Spaeth, formerly of the University of Cincinnati, has accepted a position as instructor at the University of Detroit.

Cummins E. Speakman, Jr. has resigned from the University of Virginia and continues to teach at the American University, Beirut, Lebanon.

Philip S. Spoerry, a doctoral candidate at Harvard, has been appointed an acting instructor at the State College of Washington.

Normal L. Stamps, Rutgers University, has been promoted to associate professor.

W. J. Stankiewicz, formerly of Princeton University, has been serving with the department of economics, the Government of Ontario.

Wesley A. St. John has been promoted to assistant professor of political science at Hamline University.

Herbert J. Storing has been appointed assistant professor at the University of Chicago.

Owen S. Stratton has been elected chairman of the Wellesley College department of political science for the term 1956-59.

Hobart P. Sturm of Idaho State College has resigned to become executive secretary of the Idaho Municipal League.

Ross B. Talbot, assistant professor of political science at the University of North Dakota, has accepted an appointment in the Carnegie internship program at Columbia University for 1956-57.

Howard Taubenfeld, of Golden Gate College in San Francisco, will serve as lecturer in political science at the University of California during the Fall semester.

Nelson E. Taylor, Jr., has been promoted to the rank of assistant professor at Vassar College.

Richard W. Taylor, of Wisconsin State College, Stevens Point, will be visiting assistant professor of political science at Northwestern University for 1956-57.

Harold S. Thames, has accepted a position as assistant professor of political science at East Central State Teachers College.

James F. Tierney has been promoted to assistant professor at Dartmouth College.

James E. Titus, of the University of Texas, has accepted an appointment as instructor of government at Texas Technological College.

Henry J. Tomasek has been promoted to the rank of associate professor of political science at the University of North Dakota.

Maurice K. Townsend, of the Public Administration Clearing House, has been appointed assistant professor of political science at the University of Virginia.

Martin B. Travis, Jr. has been promoted to associate professor of political science at Stanford University. During 1956-57 he will be on leave while serving as research fellow at Columbia University.

David B. Truman has been appointed visiting lecturer in political science, Yale University for the fall term 1956-57.

Shirley S. Ullmer has been appointed an instructor at Michigan State University.

Donald W. Urquidi has been appointed instructor at the University of Miami.

Charles W. Van Cleve has been appointed instructor of government at the University of Texas.

Julius van der Kroef has joined the department of political science at the University of Bridgeport.

P. J. Vatikiotis has returned to the department of government at Indiana University as instructor in government.

Robert S. Walker, formerly of the University of California (Los Angeles), has been appointed instructor in political science at the University of Michigan.

Clarence C. Walton has left the University of Scranton to become dean of the School of Business at Duquesne University.

Frederick M. Watkins, professor of political science, Yale University, has been appointed Director of Graduate Studies.

Myron Weiner, formerly of Princeton, has been appointed assistant professor of political science at the University of Chicago.

Ruth G. Weintraub has been made director of program of graduate study in the Arts and Sciences at Hunter College.

Norman Wengert has completed his one-year tenure with the Resources for the Future, Inc., and begins his appointment as Professor of Government and politics at the University of Maryland in September.

H. Bradford Westerfield, formerly of Harvard, has been appointed an assistant professor at the University of Chicago.

Alan F. Westin, formerly a teaching fellow at Harvard, has been appointed senior fellow at Yale University Law School for 1956-57.

Sidney Wise has been appointed chairman of the department of government at Franklin and Marshall College for the academic years 1956-58.

Daniel Wit has joined the staff of Indiana University's public administration program in Thailand as a visiting professor of public administration.

Leonard White has become emeritus professor at the University of Chicago.

J. Roffe Wike has been promoted to the rank of assistant professor of political science at the University of Pennsylvania.

Coleman Woodbury of Yale University has been appointed visiting professor in political science, public health, and city and regional planning at the University of California for the Spring, 1957 semester.

Dell S. Wright, formerly of the University of Michigan, has accepted an instructorship in political science at Wayne University.

Quincy Wright has become emeritus professor at the University of Chicago.

Malcolm M. Wynn rejoins the department of history and political science at Stetson University.

Ira W. Zartman has been appointed an instructor in political science at Yale University.

## IN MEMORIAM

Arthur Fordyce Gamber, associate professor of history and political science at Stetson University since 1948, died June 5, 1956.

Born February 10, 1888 in Norwalk, Ohio, he was educated in the Ohio public schools, Oberlin College, Columbia University and the University of Florida. He taught in public schools in Ohio and North Dakota and entered the college field in 1924. Before joining the Stetson Faculty he had taught at North Dakota Agricultural College, teachers colleges in Dickinson, N. D., Moorhead, Minn., and Valley City, N. D., and the University of Florida.

W. Leon Godshall, head of the department

of international relations at Lehigh University, died suddenly on June 1, 1956 at the age of 61. He received his B.S. degree from the University of Pennsylvania in 1919, the M.A. in 1920 and the Ph.D. in 1923. Professor Godshall served as instructor in political science at the University of Pennsylvania from 1919-23 and as professor of political science at Union College from 1923-1934. He joined the Lehigh faculty in 1939 as a member of the department of history and government. In 1947 he was appointed chairman of the newly established department of international relations.

In addition to rendering distinguished service at Union College and Lehigh University Professor Godshall accepted invitations as

visiting professor at many of our foremost institutions here and abroad. His teaching assignments in Chinese universities reflected his enthusiastic interest in Far Eastern international relations. In 1924-25 and again in 1931-32 he held Penfield traveling scholarships for study in Asia. In 1952-53 he served as the first executive secretary for the Fulbright program in Japan.

Professor Godshall's interest in international relations went far beyond the academic halls. He was a very effective and popular lecturer who spoke to audiences throughout the United States. He served on the national board of directors of the Foreign Policy Association and organized its Lehigh Valley Branch. His work in Rotary International contributed significantly to international understanding. He was very active in the Middle Atlantic States Model United Nations and founded the Model Security Council of Pennsylvania colleges and universities. At the time of his death Professor Godshall was national president of both Pi Gamma Mu and the International Platform Association. He had just received a year's appointment to the Chester W. Nimitz chair of political and social science at the Naval War College.

Professor Godshall's students and colleagues will always remember his stimulating lectures, his careful scholarship, his dynamic ability as an administrator and his leadership in university and community affairs. Above all they will cherish the memory of a man of high character who took time from a very busy life to befriend and encourage young people who

shared his enthusiasm for international relations.—EUGENE H. MILLER, *Visiting Professor, Department of International Relations, Lehigh University.*

Friends of the College of Wooster were grieved to learn this year of the death of Mary Z. Johnson, chairman of the department of political science. Miss Johnson served the college for twenty-eight years and her death culminated a two year illness.

Lawrence Preuss, professor of political science at the University of Michigan, died of a heart attack on July 7, 1956. An alumnus of the University of Michigan, Professor Preuss had served as a member of the faculty since 1928. He was widely known as a scholar and teacher of international law, and on numerous occasions had rendered valuable service to the United States government.

He was associate editor of the *Annual Digest and Reports of Public International Law Cases* from 1933 to 1942, and a member of the executive council of the American Society of International Law from 1937 to 1940 and from 1943 to 1946. He had been a member of the board of editors of the *American Journal of International Law* since 1946.

During World War II he was assistant and associate chief of the Division of International Organization Affairs in the Department of State, and was a deputy U. S. representative to the U. N. War Crimes Commission. Subsequently, he served the American delegation to the San Francisco conference as a technical expert.

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## THE POLITICAL SCIENCE OF SCIENCE:

### AN INQUIRY INTO THE POSSIBLE RECONCILIATION OF MASTERY AND FREEDOM\*

HAROLD D. LASSWELL

*Yale University*

My intention is to consider political science as a discipline and as a profession in relation to the impact of the physical and biological sciences and of engineering upon the life of man. I propose to inquire into the possible reconciliation of man's mastery over Nature with freedom, the overriding goal of policy in our body politic.

In the interest of concreteness I shall have something to say about past and potential applications of science in three areas: armament, production, and evolution.

#### I. POLITICAL SCIENCE AND ARMAMENT

It is trite to acknowledge that for years we have lived in the afterglow of a mushroom cloud and in the midst of an arms race of unprecedented gravity. Here I shall support a proposition that may at first evoke some incredulous exclamations. The proposition is that our intellectual tools have been sufficiently sharp to enable political scientists to make a largely correct appraisal of the consequences of unconventional weapons for world politics.

We have correctly understood the strength of the factors that perpetuate a feeble international order even in the face of recent technoscientific developments. The traditional tools at our disposal for the analysis of politics prepare us to regard a voluntary relinquishment of power as much less likely than efforts to perpetuate power. In a divided world it is not surprising to find that more elites expect to be in a better position by continuing the current system than by taking the risks involved in consenting to a new structure of power. But we have not dis-

\* Presidential address delivered at the annual meeting of the Association in Washington, D. C., September 6, 1956.



missed, as altogether hopeless the prospects of a more perfect union, achieved by measures short of general war. On the occasions when power is relinquished those who make the seeming sacrifice actually expect to be better off eventually in terms of power (and other values) than if they fail to pay the price.

For at times voluntary confederation, federation or integration does take place. Steps toward unity occur when elites perceive an external threat or obstacle to the preservation or fuller realization of commonly interpreted values. It occurs when elites perceive a common internal threat or obstacle. When atomic weapons appeared on the scene it required no great acumen to see that they were introduced under circumstances in which factors of division were heavily loaded against factors favoring a new structure of unity. Nuclear weapons were introduced unilaterally by one member of a wartime coalition. It is noteworthy that the innovating member did not feel sufficiently bound to allied and associated powers to share the new weapons with the coalition. When the enemy was defeated incentives to share were reduced. They were further reduced by the estrangement that promptly set in to separate the partners in a coalition that had been unable to achieve a high level of trust and cooperation even under the provocation of war.

It was easy to recognize that the active political elite of the largest potential rival of the United States had more inducements to procrastinate than to make the immediate sacrifices that would have been necessary for a global system of security. Moscow leaders were not faced by an ultimatum, but by an inspection proposal that in the beginning would undoubtedly have laid bare the full depth of Soviet weakness and disunity. The immediate burden of sacrifice would have fallen upon one side; what was missing was a means of equalizing the cost throughout the whole course of the proposed arrangement. Moscow had no grounds for believing that the decision makers of the outside world viewed them or their ideology or their technique with such benevolence that any visible vulnerability would remain unexploited. Certainly the annihilation of mankind seemed remote and hypothetical when compared with the deprivations likely to follow at once the formation of a new international structure.

It was no necessary part of the analysis to assume that leading Soviet figures loved war (after the manner of Ghenghis Khan and other nomadic "shepherds of men"). We understood that it would be political suicide for individual leaders on either side to propose full unilateral disarmament by their own government, or even to champion a ceiling or a method of arms reduction that would be regarded by colleagues or constituencies as unfavorable to continuing independence.

Nor was it part of the analysis to assume that individuals are fully conscious of the values that influence their judgment and that the thrust of unconscious factors is toward voluntary union. So far at least as the upper levels of an active elite are concerned it is implausible to suggest that continuing uncertainty will generate unconscious factors making for trust in the benevolence and good faith of alien leaders. The evidence seems to support the contrary view that protracted insecurity renders it easy to perceive the "Other" as malevolent and devious. Hence the tendency is toward the perpetuation of seeming autonomy rather than in the direction of constructing a more inclusive system of public order.

We knew that the decision process of a body politic is to be understood as a complex and relatively stable network of communication and collaboration. A system acts to sustain rather than to revolutionize its own structure. This harmonizes with the fact that more acts must be repetitive than innovative if a system is stable. More specifically, structural stability is favored by the entrapment of each individual in a limited segment of the whole. The official or unofficial role of a participant determines what is available to his focus of attention, and with whom he may communicate or collaborate. The perspectives of a participant are the result of previous experience in the position, and in the sequence of positions through which he has passed. The playing of any role modifies predispositions by rewarding an act with value indulgences or by imposing value deprivations. As a strategy of maintaining and improving their net value position, individuals continually make and unmake coalitions of an explicit or tacit character. Enough information has long been available to show a qualified observer that the private coalitions upon which members of the Soviet or U. S. elite depend for personal advancement are coalitions whose effect is to sustain rather than to supersede a divided world. Obviously the coalitions entered into by top officers in the Red Army, Navy and Air Forces are not made with Americans; and *vice versa*. Nor do the corresponding coalitions of top diplomats, civil officials, or party officials cut across the intervening zone.

There are, political scientists know, typical situations in which active elite elements have expected to benefit by means of a more perfect union. Ruling families have intermarried. Today this institutional presupposition is missing; the top men of the USSR or the USA are not dynastic heads. It is a frail reed indeed to rely upon the hope that a Moscow-Hollywood fusion of infatuated youngsters or calculating oldsters will banish the perils of nuclear fission or fusion. Some historic unifications have been the outcome of duels between appointed champions

in the manner of David and Goliath. This institutional predisposition is also missing. No one seriously expects to stake the issue of unity upon two doughty pilots armed with jets, or two teams of missile men lobbing away at one another in the South Seas. We also take note of the fact that thus far we have been unable to rely upon the appearance of an external group capable of being perceived as a common threat. The U.F.O., the unidentified flying objects, have not as yet been shown to be intelligence eyes of another planet against whom we may conceivably combine.

I have been indicating how the tools of the profession provided us with categories, propositions and cases adequate to the task of assessing the probable result of the appearance of unconventional weapons. These tools were, in fact, so used. I do not assert that all members of the profession refrained from adding to the lamentations that arose as this or that circle of humanity awoke to the poignancy of the fact that the planet is moving toward apparent doom. Limited catharsis has often been obtained by railing at the stupidity or malevolence of world elites for failing to bring the current nightmare to a peaceful end. Some among us found a measure of private satisfaction in the discovery of fresh evidence of the depravity of man and turned for consolation to the trans-empirical doctrines provided by one or another of the theological and metaphysical traditions of mankind. We need not deprecate these personal solutions so long as it is clear that they are not the distinctive roles for which our profession has sought to equip its members.

To assert that political scientists had tools that enabled us to assess a major development correctly is not to say that we are complacent about our part in the story of nuclear weapons. There is always a gap between fundamental theory and the data required to see how theoretical models explain or fail to explain specific configurations. As private scholars political scientists did not always have access to official information; and even when playing an official role a political scientist was not always shown every significant report in the possession of the government. Such limitations go beyond our responsibility as a profession. We must however assume responsibility for any limitation of theory or procedure that prevented us from making full use of every opportunity open to us.

I have been implying that it is possible to interpret our traditional body of theory as giving full recognition to the contextual character of politics. The classical literature made plain that specialized institutions of community-wide action are part of, and interact with, all institutions of the community, all personalities, all institutional and personal patterns in the surrounding world, and with the physical and biological environment. Modern logical technique has made it more apparent than

it was formerly that the intellectual task before us is not the discovery of a small number of new fundamental categories with which to designate the context of interaction. Rather, it is apparent that all comprehensive systems are formally equivalent (hence interchangeable) at corresponding levels of abstraction (and regardless of possible differences in the number of key terms employed at each level). The inference is that within a rich intellectual tradition the most significant task is to construct a continuing institutional activity by which central theory is related continuously to events as they unfold. The fundamental categories are retained as constant features of a frame of reference elaborated and employed to delineate the contours of observational fields. The relevant context is the world political process as a whole.

The limited degree of success achieved by the profession in perfecting or in encouraging the body politic to perfect such an institutional process had adverse consequences for our role in regard to nuclear weapons. Long before atomic weapons were introduced we were well aware of the importance of scientific knowledge for the technology of fighting. But we did not correctly anticipate the approximate timing of the impact of nuclear physics upon military technology. Although we were equipped to assess the political consequences of sudden and stupendous increases of fighting effectiveness we did not foresee that such an emergent was imminent. Since technical developments were not explicitly anticipated we did not clarify in advance the main policy alternatives open to decision makers in this country or elsewhere. We did not create a literature or a body of oral analysis that seriously anticipated these issues. As political scientists we should have anticipated fully both the bomb and the significant problems of policy that came with it.

I do not want to create the impression that all would have been well if we had been better political scientists, and that we must bear upon our puny shoulders the burden of culpability for the situation of the world today. We are not so grandiose as to magnify our role or our responsibility beyond all proportion. Yet I cannot refrain from acknowledging, as I look back, that we left the minds of our decision makers flagrantly unprepared to meet the crisis precipitated by the bomb. I have no desire to hold a kangaroo court on President Truman's momentous decision or upon his principal advisers; or to give credence to the insinuation that "results" had become necessary in the face of Congressional restiveness about the cost of research and development. In the light of hindsight (that should have been foresight) I want to underline the probability that the new weapon was introduced in a manner that contributed unnecessarily to world insecurity. Perhaps the critics are right who say that the bomb should have been demonstrated on an

uninhabited island before the live drops were made on Hiroshima and Nagasaki. More important is the question of how formal and effective control might have been extended beyond the decision makers of a single power. At least some members of the winning coalition might wisely have been brought into a system that operated through a common agency of inspection and direction.

Plainly there were not enough political scientists trained in physics, or sufficiently aware of the implication of impending scientific developments, to do much forward thinking and planning. This points to a failure of professional recruitment and training, and calls in question the then-prevailing conception of the political scientist's role. As a profession we are concerned with aggregate processes. It is not our job to supply the working politician with what he knows already, namely a bag of electoral and other manipulative tricks. Our distinctive perspective is not that of a trickster although we must be familiar with the trickster's outlook and his repertory if we are to assess the causes and consequences of his way of doing business for the decision process as a whole in any context. Nor is our role limited to reiterating and celebrating the ideal aspirations of the body politic, and exhibiting how value goals can be derived from fundamental postulates and principles. It is not exhausted by reporting historical sequences to be found in the rise, diffusion and restriction of myth and technique; or even by the formalization and verification of descriptive models of a scientific character. Part of our role, as the venerable metaphor has it, is scanning the horizon of the unfolding future with a view to defining in advance the probable import of what is foreseeable for the navigators of the Ship of State. It is our responsibility to flagellate our minds toward creativity, toward bringing into the stream of emerging events conceptions of future strategy that, if adopted, will increase the probability that ideal aspirations will be more approximately realized.

An implication for our future relation to science and armament is that we need to develop more political scientists who have the competence to infer the weapon implications of science and technology. It then becomes possible to anticipate the implications for collective policy.

Even a moderate degree of cross-disciplinary training or continuing contact should have enabled us to prepare for the advent of nuclear fission (and fusion). The *Review of Modern Physics* carried an article by Louis Turner of Princeton University in January 1940 in which 133 papers were appraised. They began with Fermi's original report of 1934 and came down to the Hahn-Strassman-Meitner researches which made explicit the import of Fermi's original experiment. In passing it may be noted that the contributions of a dozen nations were catalogued in

Turner's review. Not more than half a dozen of the 133 papers were by American authors. Perhaps American political scientists may be partially absolved for lack of foresight under these circumstances. But the over-all record of the profession is not thereby improved, since I do not find that colleagues in other countries were any more in touch than we were. Incidentally, it is worth recording that a standard college textbook in physics included a chapter in which the implications of current research were clearly spelled out. Ernest Pollard of Yale University referred in 1940 to the possibility of nuclear reactors that might generate electrical power or detonate as immensely destructive bombs; or that might produce radioactive substances for research and industrial processes or for a new and frightful kind of chemical warfare. I note further that at the time of the Fermi-Dunning experiment at the Columbia University cyclotron in early 1939 some science writers (especially of the *New York Times*) were quite definite about what was at stake.

Today in assessing the years ahead we need solid bases of inference about the degree to which the cost of producing unconventional weapons can be cut. Is it probable that the elites of intermediate powers will soon have at their disposal instruments capable of doing enough damage to outside powers to exert a strong deterrent effect? If so, the destiny of intermediate powers will be less grim than it has appeared to be in the recent past. If the drift toward bipolarity is reduced, there will be less hypocrisy or desperation among the elites of intermediate powers in clanging the cymbals of national loyalty in public while they readjust private family, business and political affairs in the light of the contingency that one or the other pole will dominate the globe.

It is important to estimate the likelihood that the instruments of defense can regain ground they have lost in recent times. In what period of time (if at all) is it probable that manned or unmanned flying objects can be harmlessly destroyed before they are on target? Is there any prospect that new knowledge may be used in a few years to seal off great areas of the globe behind impenetrable "energy" shells? This would open the not altogether uninviting possibility that disagreeable sectors of the globe may be sealed over and left to their own devices much as small boys put dishpans over snake pits or gopher holes.

In many ways the most disturbing result of the laggard position of political scientists in comprehending science and technology is that we have displayed no intellectual initiative in furnishing guidance to those who are in command of modern knowledge and its instrumentalities. Alert businessmen have long been on the lookout for promising applications in the marketplace. The professional military man is now accustomed to take the initiative. The question for us as political scientists

is whether we have given enough serious attention to the task of reducing the human cost of whatever violence we cannot dispense with.

As an exercise in this line of thought I invite you to use your imagination to ask what an instrument of coercion would look like that incapacitates without killing, mutilating or in any way imposing permanent incapacity. You and I will probably come up with the same answer: a gas or a drug or a beam that when applied will induce sleep or a similar state of suspension. We spent several billion dollars on A and H bombs; and it is commonly said, with some plausibility, that scientists and engineers give you what you pay for. Our suggestion (and I repeat an old proposal) is that we go down the alphabet to the P bomb, the "paralysis bomb." The technical difficulties in the way of paralyzing a city or a region are very great, given current means of delivering a concentrated gas. Possibly the instrument can be a "P beam," a paralyzing beam of sound or of some other kind capable of accomplishing the purpose.

Without being in the least committed to the specific devices referred to, I nevertheless assert that in the future we need not remain as passive as we have been in approaching the problem of harmonizing considerations of humanity with the use of whatever coercion cannot be avoided.

So far as ultra-weapons are concerned it is apparent that the polar powers have reached an impasse. If they keep on they will have the capability of destroying one another several times over. Once would seem to be enough. (Diverting resources to blasting a grave assumes that it is not a common one.) The polar powers have a common affirmative interest in preventing the rise of an outlying gangster or maniac who might take advantage of the declining cost of nuclear weapons to hold up or gravely damage them both. It may be that workable policy proposals will emerge from concentrated study. For instance, in return for universal inspection of new installations the polar powers might be willing to contribute facilities and scientists to UN laboratories situated at intermediate points and devoted to research and development of new and fundamental scientific ideas. By providing for the possible exploitation of the results under collective auspices it may be possible to expedite the development of the UN into a genuine "third factor" that concurrently expresses an inclusive interest. Senator Anderson of the Joint Committee on Atomic Energy has already declared in favor of any policy that holds promise of joint activities that "obsolesce" old weapons around which vested and sentimental interests are crystallized.)

Since we are aware of the unforeseeable timing of the many factors that may affect a resort to arms it is evident that rational policies on behalf of peaceful cooperation do not rely upon a single avenue of approach. Wise strategy appeals to as many potential pockets of motiva-

tion as possible by making continual use of tactical ingenuity in applying every instrument of policy (diplomatic, military, economic, ideological).

It is generally believed that peaceful cooperation can be most readily encouraged in the field of economic growth. And there are grounds for predicting that developments that impend in the technology of production will rival the leaps that have recently occurred in weapon technology. This brings me to the consideration of our relationship as political scientists to these potentialities. Although the devices that contribute to production may also be employed for destructive purposes, my present concern is with the affirmative uses of science.

## II. POLITICAL SCIENCE AND PRODUCTION

Impending is control of weather and climate. As our knowledge of the upper atmosphere increases it will be obvious that the seeding of local cloud formations is a relatively trivial precursor of hemispheric global control. Impending is the solution of the problem of obtaining pure water at low cost from the sea for irrigation purposes. Taken in conjunction with newly available energy sources it is not too early to anticipate the reclamation of the wastelands of the earth—the deserts, the polar ice caps, the tropical rain forests, the mountains (levelled to productive plateaus). As J. G. Harrar has told us, the total solar energy that reaches the earth every 48 hours is approximately equal to all the known reserves of coal, petroleum and wood. Clearly the conversion of relatively minute amounts to usable form would meet the energy needs of future generations. Already enough progress has been made to indicate that in the immediate future many local power needs can be supplied more economically by solar energy than by nuclear installations.

As political scientists we are conscious of the implications if great resource changes are introduced into a divided world. Imagine that the arid areas inside the Soviet zone are populated with the density of the fertile districts. Suppose further that the non-Soviet world does away with the arid lands of the United States, Mexico and South America, the Sahara, and the Middle East. If these regions become as populous as the more habitable parts of the countries where they are located the population of the non-Soviet world will be increased relatively more than the Soviet area.

Think next of the tropical forests. If the tropical rain forests of Central and Northern South America, of Mid-Africa, of India and of South-eastern Asia are made fit for human life to the same degree as the more temperate regions near them the relative population of the non-Soviet world will appreciably increase.

If mountainous areas are transformed into plateaus, and the plateaus



are populated to the density of neighboring areas, the population of the non-Soviet world will also sustain a relative rise.

We know that the political consequences of changes in population and energy production depend upon the impact of these developments upon the "threat value" or the "asset value" of the members of the world community to one another. We expect that the flow of capital and know-how required to modernize production tends to conform the facts of economic growth to the configurations that predominate in the arena of world politics. One alternative of policy is to mitigate or modify this tendency to pour the concrete of capital investment into the mould of a current power alignment. To what extent can this result be achieved by instituting multilateral control of great programs of reclamation in selected districts? Can the Sahara, for instance, be jointly developed? Since the ruling circles of a split world pursue different objectives in terms of social structure and ideology it is only feasible to think of even restricted programs of multilateral cooperation within the frame of an agreement in which are prescribed the permissible proportions between governmentalized and non-governmentalized operation to be preserved at successive stages of the project. Further, it will be essential to determine whether the program is intended to consolidate an existing national unity or to lay the foundation for a new nation (one drawn, for example, from widely varying ethnic sources; or from a single principal source of people and culture).

The factor of geographical dispersion has an important bearing upon our expectations. The sources of solar and atomic energy are more capable of being widely distributed than the sources exploited by a technology of fossil fuels like petroleum and coal. It is axiomatic that a decentralized pattern of access to energy provides a favorable resource base for a decentralized outlook, and that the perspectives comprising such an outlook sustain a decentralized network of policy formation and execution. If a reversal is to occur in the trend toward bipolarizing the world, and a pattern resembling the Great Power System of the last century is to revive, two conditions at least must be fulfilled: a network of strong, coordinate centers of energy production; and cheaper costs of producing the newer weapons.

I have been talking of the resources found in the wastelands or neglected opportunities on the surface of the continental blocs. We must take the fact into account that new resources are in prospect whether we look beneath or above the land surface of the earth. To begin with the seas: we shall learn to mine the waters for minerals and to farm the oceans for foodstuffs on a scale hitherto unthinkable. In regard to resources above the surface: we are close to the first experimental expedi-

tions to the moon; and, presently the planets. In this setting the traditional questions that center around the control of air space take on new significance.

As specialists in public law it is not difficult for us to anticipate the form in which conflicting claims to these new resources are likely to be phrased. In connection with the seas those who push particular claims to the exclusive exploitation of a given region will talk in terms of "the territorial sea," "contiguous zones," "jurisdiction" and the "continental shelf." Nation states whose officials push particular claims to share in exploiting the resources of an area will invoke the "freedom of the seas" and other internationalizing concepts. The probing of the upper atmosphere, satellite launching, space platforms and the like will pose the problem of how to adjust claims to exclusive control of "air space" against claims to share control. As expeditions to the moon or the planets become more imminent the question of "who owns what" or "who controls what" will bring into the debate the authoritative language traditionally employed in connection with the acquisition of territory ("exploration," "occupation," "conquest" and other concepts emphasizing priority in time and effectiveness of control).

As clarifiers of the goals and alternatives implicit in a decision process and as advisers of the participants we have an opportunity to reduce the amount of unnecessary friction by establishing a frame of reference in advance of the facts. When factual details appear they will of course exhibit some novel elements; common goals and principles will not. The members of the world community have a long history of accommodating "exclusive" claims and "sharing" claims with one another (as new resources provide new base values for the participants in the world arena).

It is, of course, essential that in taking advantage of this opportunity we deal with the entire context of value goals and principles as they relate to potential facts. I have referred to sets of doctrines that in all probability will be invoked when claims are made. The chief function of these formulations is to guide the attention of decision makers to the context in which pertinent activities occur. Formulas assist in recognizing and evaluating the consequences for international public order of accepting the exclusive or the sharing claim in particular cases or categories of cases.

When we examine past trends in world history it is not difficult to recognize that shifts have occurred in the relative emphasis laid upon exclusive or sharing claims. Grotius was speaking for the Netherlands and for other challengers of the claims of Spain, Portugal and England to monopolize great stretches of the seas. Sweeping readjustments were

made in doctrine and in its applications relating to the seas. At first they were mainly in the direction of consolidating an international order in which sharing claims were widely accepted ("freedom of the seas"). In recent decades the trend has been the other way. As my colleague Myres S. McDougal has shown in some detail, claims to the exclusive enjoyment of resources have been accepted as "reasonable" in the light of facts that have appeared in the course of applying science and technology. A recent tabulation shows that no more than thirteen states accept the ancient three-mile rule for the territorial sea. Forty-five states repudiate it in varying degree, claiming wider limits. Contiguous zones of many kinds have been accepted for the administration of customs, the security of neutral states against belligerent activities, fishing conservation, appropriation of the resources of the sea-bed and of the continental shelf.

When we think configuratively about the problems raised in reference to the new resources it is clear that instead of relying on blanket principles (like "freedom of the seas" or "freedom of the air") the most fruitful policy alternatives are likely to emerge when we anticipate the appearance of characteristic factual contexts, and consider how the values chiefly at stake in them can be maximized. Hence we would not expect to apply the same prescription (1) to the sharing of air space for weather observation (where equipment is used that is expressly designed for the purpose and perhaps registered, and when the information obtained is made public) and (2) to the sharing of air space for projects of weather or climate control that may be deleterious to local values.

The contextual (or, synonymously, the configurative) approach is a challenge to imagine the full range of possible means of anticipating and resolving difficulties. On the most uncertain matters it is appropriate to call attention to the need of exploring the possibilities of agreement in advance of conflict. The inference is that no time should be lost, for instance, in putting into the hands of the UN the facilities for research, development and operation of satellites, "space platforms" and travel beyond the limits of the earth's atmospheric and gravitational fields. Doubtless the USA and the USSR will continue to compete with independent programs. Since the polar powers have a stake in moderating the conflict in which they are engaged in the hope of eventual harmony through agreement, not catastrophe, a practical method would appear to be to strengthen the "third factor," especially when both powers are also included within it.

The rapid introduction of new resources under present conditions calls for some degree of community and regional planning; and planning poses thorny questions about the structure and ideology of society. To an in-

creasing extent questions of this kind need to be answered directly rather than by default. It must be conceded that American political scientists are not especially well equipped to participate in the planning function on the scale required. Although we are accustomed to corroborate the classical authorities and the Founding Fathers in praise of the middle classes as contributory to popular institutions of government, we have not as a rule dealt with these traditional doctrines in significant ways. For instance, we have not explored the principles of proportion that are most likely to consolidate or to sustain at various stages of industrial growth the perspectives and operational technique of popular government. Shall we, for example, rely upon a 30-40-50 rule to guide public policy in regard to the permissible degree of market control permitted to private interests? (For example: When one interest has 30% control of output, shall it be subject to special regulations designed to nullify the side-effects of power that go along with economic control? When one interest rises to 40% shall we put governmentally appointed trustees on the Board of Directors? At 50% shall government trustees predominate?)

Whatever the workable rules of proportion may be in representative contexts it is evident that we need to guide our studies of trend correlation and of comparative cases in order to improve the available bases of inference in such matters.

The same approach—the search for rules of proportion—applies to every institutional and personality pattern in a body politic. What are the optimum proportions of community resources to devote to elementary, intermediate, advanced and ultra-advanced education? To research and development in science and technology? To positive and negative sanctions for correctional and other purposes?

One way to jar “cakes of custom” out of the mind is to draft specifications for the first Mayflower expedition to establish continuing occupation outside the earth. (Possibly it could be “Noah’s Jet”?) What proportion of men, women and children of which culture or combination of earth cultures shall we select? What ideological traditions, secular and sacred? What class backgrounds (elite, mid-elite, mass)? What individual and group interests? What personality structures?

By asking questions of this kind we are in a position to assess our present stock of knowledge concerning the interdependence of institutions specialized to power, and all other institutions in the social process of any community, together with the forms of personality involved. These, of course, are the recurring issues of political science and historical interpretation as well as policy.

## III. POLITICAL SCIENCE AND EVOLUTION

I have been referring to a few implications of science and technology for weapons and production, and sketching some political ramifications. As political scientists we are perhaps even less well prepared to anticipate developments in genetics, experimental embryology and related disciplines. Taken together these fields signify that, as Julian Huxley has often put it, man is on the threshold of taking evolution into his own hands. By influencing the genes that constitute the key units in man's biological inheritance we affect the entire potential of future generations.

Important as recent innovations are in radioactivity I do not want to give more than passing notice to the dangers that they embody. The only feasible means of coping with these factors is by policies that avert war and preparation for war, and install proper precautions in the handling of high energy radiation for other purposes.

Quite recently the dangers that arise from radioactivity have been authoritatively brought to public notice: all high energy radiation that reaches the gonads stimulates gene mutations; more than 99 per cent of all mutations are dangerous; genes can only be eliminated by the death of the gene carrier or by his incapacity to reproduce. Nearly two years ago H. J. Müller told us that the bomb tests since the war had already exposed the inhabitants of the earth to radioactivity comparable with that of the inhabitants of Hiroshima and Nagasaki after the original explosions. He estimated that about 80,000 harmful mutations are involved and that "it will mean, in the end, several times this number of hampered lives."

It has been pointed out that perhaps the most satisfactory index of genetic damage is the sum of tangible defects existing among living individuals. We are speaking of such stigmata as "mental defects, epilepsy, congenital malformations, neuromuscular defects, hematological and endocrine defects, defects in vision or hearing, cutaneous and skeletal defects, or defects in the gastrointestinal or genitourinary tracts." We are informed that about 2 per cent of the live births in the United States have defects that are of "simple genetic origin and appear prior to sexual maturity." If mankind were subjected to a "double dosing" of radiation the present level of genetic defects would rise, and would eventually be doubled.

Regulatory measures are obviously needed against wars and weapon tests; and they are essential to the disposition of nuclear waste from industrial plants. (It has been remarked that a nuclear power plant is to be viewed as a large scale production of both highly poisonous gas and explosives under a single roof.)

The principal questions to which I desire to call attention pose issues of a relatively new and different order. Some of these questions have

already come up in controversies over artificial insemination. They have embarrassed the champions of the orthodox prescriptions that prevail in several fields (theology, ethics, jurisprudence). Shall we call a child legitimate whose biological father is not identical with the sociological father? Even with the consent of the latter? With spermatozoa from a known or unknown source? (A possible international question is whether a nation state like the United States can claim the child as a citizen if the spermatozoa employed originated with an American mail order house and was sent by air mail for use abroad.)

Poignant as these issues are in specific cases they do not confront us with the consequences for public order that are to be anticipated if the progress of biology separates insemination and child bearing from genital contact. The assumption is often made that the continuation of sexual rectitude and even civic order depends upon charging every genital contact with the blessings and perils of procreation. The impending improvement of oral contraceptives, joined with other recent advances, are factors that already suggest the wisdom of other norms and sanctions of public order.

Other developments are threatening current ratios of the influence and power of the sexes. Given the millions and millions of spermatozoa produced by one male and the technique of canning by refrigeration, any very large number of males becomes relatively redundant for purposes of procreation. Must the male rest his future upon other values such as the strictly aesthetic appeal of the male contour? Before the female of the species becomes too complacent in this context it may be worth recalling the significance of some current experiments for the removal of the primordial female function from the body and into other receptacles. (Women, too, may have to rely upon their charm, a role for which their experience has provided extensive preparation.)

Apparently we are closer than most of us like to think to the production of species that occupy an intermediate position between man and the lower animals (or even plants). It is sometimes said, even in august quarters, that "one has not yet succeeded in making a species from another species." Theodosius Dobzhansky notes, however, that "the feat of obtaining a new species was accomplished more than a quarter of a century ago." In recent decades a fair number of new species have been brought into being. It is also true that some species that exist in nature have been recreated experimentally. A garrison police regime fully cognizant of science and technology can, in all probability, eventually aspire to biologize the class and caste system by selective breeding and training. Such beings can, in effect, be sown and harvested for specialized garrison police services or for other chosen operations.

Great strides have been taken in brain design. Experimental models of

robots have been built who solve problems of a rather complex order in a given environment. Some of these machines look after themselves to a degree, obtaining and using the raw materials required for energy and repairs. Already it is claimed that the function of reproducing its kind, and of interacting with others, can be in-built.

The question then rises: Given our concern for human dignity when do we wisely extend all or part of the Universal Declaration of Human Rights to these forms? When do we accept the humanoids—the species intermediate between lower species and man, and which may resemble us in physique as well as in the possession of an approximately equivalent central nervous and cortical system—as at least partial participants in the body politic? And at what point do we accept the incorporation of relatively self-perpetuating and mutually influencing “super-machines” or “ex-robots” as beings entitled to the policies expressed in the Universal Declaration?

It is obvious that we are not too well equipped by cultural tradition to cope with these problems. A trait of our civilization is the intense sentimentalization of superficial differences in the visible format of the groupings to be found even within the human species. Recall the theologians, ethicists and jurists who have devoted themselves to the elaboration of symbols to show that the white race alone is genuinely human and hence solely entitled to the dignity of freedom. Recall, too, the counter-assertions, nourished in the soil of humiliation, that have arisen among ethnic groups that seek to overcome their contempt for themselves by dragging down the pretensions of the white imperialist.

Let us recognize that the traditions of certain non-Western civilizations are in some ways better adapted to the problem than the Graeco-Roman and Judeo-Christian perspectives. They possess a relatively broad basis for identifying the primary ego of the individual with a self that includes more than strictly human species in the congregation of living forms. A world view that includes the possibility of reincarnation in lower animal shapes, for example, may prepare its devotees to empathize more readily with other than strictly human species and varieties. Even they, however, may have their troubles with a mobile power plant in nearly human form.

The most disturbing question, perhaps, arises when we reflect upon the possibility that super-gifted men, or even new species possessing superior talent, will emerge as a result of research and development by geneticists, embryologists or machine makers. In principle, it is not too difficult to imagine a superior form. For instance, our sensory equipment does not enable us to take note of dangerous radiation levels in the environment. We have no inborn chattering of a Geiger counter.

I spoke before of taking the intellectual initiative for the use of science

and technology for the fuller realization of our value goals. It is plain that if we bring certain kinds of living forms into the world we may be introducing a biological elite capable of treating us in the manner in which imperial powers have so often treated the weak. A question is whether the cultivation of superior qualities ought to be limited to intellectual capability. The answer, I feel confident you will agree, is in the negative. We need to be sufficiently vigilant to prevent the turning loose on the world of a hyper-intelligent species driven by an instinctual system especially inclined toward predation. The blood-stained story of our own species is only too familiar (the stories about succulent missionaries whose bodies were more readily incorporated than their messages are not wholly without foundation). Can we improve the prospects of developing a form of intelligent life copied not after our own image, but after the image of our nobler aspirations?

It is not to be overlooked that the problem of human capability can become acute if in the years ahead we escape from our present habitat on the earth, or are visited by other forms of intelligent life. There are, after all, untold millions of environments resembling our solar system, and it would be more remarkable to find that but one planet is inhabited by a complex living form than to encounter parallel developments. It would of course be embarrassing, at least, to discover that we are the savages or that we are put together on a markedly inferior biological plan.

#### IV. OUR FUTURE PROGRAM

The fact is that many of the problems to which I have been referring will be upon us long before we can make great changes in the ideological outlook or the socio-political patterns of life in this country or elsewhere. The same point applies to ourselves in our role as individuals and as members of the political science profession. Considering our present predispositions how can we improve the likelihood of contributing to the decision process at every level, from the neighborhood to the world as a whole?

It is abundantly clear that the impact of science and technology does not occur in a social vacuum, but in a context of human identifications, demands and expectations. I make the modest proposal that it is appropriate for political scientists, in company with other scientists and scholars dealing with human affairs, to improve our procedures of continuous deliberation upon the potential impacts of science and technology upon human affairs. No doubt the American Political Science Association and other professional societies constitute an appropriate network for the purpose. We can sustain continuing conferences devoted to the examination of emerging developments. As fellow professionals



we have special responsibility for giving thought to the aggregate effects of any specific innovation.

Our first professional contribution, it appears, is to project a comprehensive image of the future for the purpose of indicating how our overriding goal values are likely to be affected if current policies continue.

A closely related contribution consists in clarifying the fundamental goal values of the body politic. We are accustomed to confront political ideologies with new factual contingencies and to suggest appropriate specific interpretations. We also confront political doctrines with rival doctrines, and with comprehensive theological and metaphysical systems. I have called attention to the point that the basic value systems of European civilization, in particular, are likely to be exposed to sweeping challenge as biology and engineering narrow the obvious differences between man and neighboring species, and between man and centrally operating machines. The crisis will be peculiarly sharp if we create or discover forms of life superior to man in intellect or instinctual predispositions. Our traditions have not been life-centered, but man-centered. We possess various paranoid-like traditions of being "chosen." Clearly a difficult task of modifying these egocentric perspectives lies ahead.

The third task is historical and scientific. It is historical in the sense that by mobilizing knowledge about the past we are enabled to recognize the appearance of new patterns and the diffusion or restriction of the old. It is scientific in the sense that we summarize the past in order to confirm (or disconfirm) propositions about the interplay of predisposition and environment. If we are to serve the aims of historic recognition and of scientific analysis, one of our professional responsibilities is to expedite the development of more perfect institutions specialized to continual self-observation on a global scale. Self-observation requires guidance by a system of theoretical models of the political process in which a continuing gradation is maintained between the most inclusive model and submodels adjusted to more limited contexts in time and space. Continual self-observation renders it necessary at each step through time to reevaluate the appropriateness of the operational indices for the variables and concepts employed at the most recent step. In this way all the concepts that figure in systematic, descriptive political science can be kept chronically pertinent to the ordering of political events as the future unfolds.

The fourth task is inventive and evaluative. It consists in originating policy alternatives by means of which goal values can be maximized. In estimating the likely occurrence of an event (or event category), it is essential to take into account the historical trends and the scientifically ascertained predispositions in the world arena or any pertinent part thereof.

The relationship of American political science to these tasks is in many ways unique. The typical department is a microcosm of the macrocosm of university faculties of the social sciences and humanities, and the school of law. It is no secret that a syndicate of philosophers, historians, behavioral scientists and public lawyers is capable of producing some degree of tension among themselves, especially when budgets are at stake. This has led to the suggestion that every component skill should be sent back where it came from—to the departments of philosophy, history, sociology and psychology, for example, and to the law school. In this way political science could be given back to the Indians. The catch is that we are not agreed who the Indians may be.

The present situation does make it possible for political scientists to take the lead in integrating rather than dividing our intellectual community. Compared with an entire university, which has become a non-communicating aggregate of experts, each department of political science can be a true center of integration where normative and descriptive frames of reference are simultaneously and continuously applied to the consideration of the policy issues confronting the body politic as a whole over the near, middle and distant ranges of time.

The profession is advantageously situated therefore to take the lead in a configurative approach to the decision process in society. Where it plays this part, political science is the policy science, *par excellence*. If the implications of science and technology are to be correctly appraised, it will be essential to recruit some trained personnel from such fields into political science, to improve the science-content of professional education, and to provide for continuing cooperation among the professions involved.

It is quite unnecessary for any one individual to emulate the universal ambitions of renaissance man. But if we are to take the lead in performing the configurative or matrix function it is quite essential for the profession as a whole to achieve the division of labor, the understanding and the insight capable of realizing as fully as possible the dream of relevant universality. Each of us can at least widen the boundaries of the self and open the way to identify with living forms that differ from traditional images. We can step toward the possible reconciliation of a growing mastery over Nature with the dignity of freedom for all that lives. In the congregation of living forms human life may come to play a yet more distinguished role in generations to come, a role that transcends even the vision of the commonwealth of man championed by the distinguished political scientist and statesman, the centennial of whose birth we take pride in according special commemoration this year.

## THE ORIGINS OF THE PRESENT JAPANESE CONSTITUTION

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Throughout the years when the Meiji Constitution served for most purposes as Japan's basic law (1890-1947), it was always a matter of considerable value to the nation's constitutional scholars to have readily available an authoritative statement of the intent of the framers of that document. This was Itō Hirobumi's *Kempō Gige* (Commentaries on the Constitution).<sup>1</sup> It played a role somewhat analogous to that of Madison's journals in our own annals of constitutional, legal and historical scholarship, but was even more definitive. It is interesting therefore to speculate just where present or future Japanese scholars might find a similar source for their present constitution. The facts presently available would indicate the necessity of a pilgrimage to New York's Waldorf Tower. There or in its immediate environs are to be found the most notable of the "founding fathers" of the present Japanese Constitution.

### I

That one should have to seek on foreign shores for the author of the fundamental law of a great modern state is in itself a phenomenon unique in recent history. Even stranger perhaps is the fact that some nine years after its promulgation and four years after the end of the military occupation which made it possible in the first place, this constitution remains formally intact and unamended. If there were a sure prospect that it would remain so, perhaps the entire issue might better be left to the attention of future historians. But it has become increasingly clear during the last two years that the so-called "conservative" groups which control contemporary Japanese politics are determined to amend the present constitution in a number of important respects, if not indeed ultimately to rewrite it completely.<sup>2</sup>

This emerging campaign is now beginning to utilize the issue of the constitution's alien authorship. It is doubtful that the time is yet ripe for a full-blown national publicity campaign focused upon this point, for the revisionist movement is still at a fairly early stage of development.<sup>3</sup> The scene is being carefully prepared, however, and it now seems distinctly probable that when the Government chooses to present formally its bills of constitutional revision, the twin facts that the document was American and may readily be portrayed as having been imposed upon a reluctant Japanese Government as a result of none-too-gentle Occupation suasion will constitute an important part of its case.

<sup>1</sup> Tōkyō, Maruzen, 1889. Prince Itō had been in charge of the small group which actually drafted the Meiji Constitution.

<sup>2</sup> I have given a detailed account of these developments in "The Constitution and Current Japanese Politics," *Far Eastern Survey*, Vol. 25, pp. 49-58 (April 1956).

<sup>3</sup> In fact, the Socialists and their allies gained a sufficient number of seats in the Upper House election of July 8, 1956 to prevent the passage of any bill of constitutional revision for at least the next three years.

This is to say that a major policy and program of the late Allied Occupation of Japan is about to be reviewed on terms which cannot help but be of serious concern to the United States. The fact that the Occupation was in a technical sense an Allied operation will divert no criticism from this country. No one in Japan or abroad considers it as anything but what for all practical purposes it most patently was—a strictly American endeavor. As a consequence it is the United States which will be arraigned informally but effectively before Japanese public opinion. The actions of our officially responsible agents during 1945–46 are already being challenged in a number of important respects. Particularly where the constitution is concerned, an increasing number of questions are being asked in Japan under increasingly public circumstances. By what legally recognized authority was constitutional revision required of Japan? If such an authority existed, was its implementation properly the prerogative of the Supreme Commander for the Allied Powers (SCAP) or of the Far Eastern Commission (FEC)? Who wrote the constitution in the first instance? What was their authority to do so, and what were their qualifications? What types and degrees of pressure were used to induce the Japanese Government to accept constitutional revision, and how justifiable were the pressures? To what extent did the actions of the Occupation authorities in Japan represent the official policy of the United States?

Oddly enough, these are questions which have not as yet been seriously raised in this country. A scattering of individuals and at least two official reports have cast considerable light upon some or all of them, but outside of scholarly circles scant attention has been paid.<sup>4</sup> Public opinion in this country seems to believe that, whatever our failures or shortcomings elsewhere, in Japan our Occupation on the whole did a remarkably effective job. In many important respects this is true, but the successes should not obscure the other side of the record, especially since our mistakes have a nasty habit of returning years later to plague both the domestic and the international scene. Japan's present fundamental law—often termed the "MacArthur" or the "Whitney Constitution" after its two most eminent progenitors—is a case in point. The Japanese and, incidentally, the world public will hear a good deal about this subject in the near future, and it behooves us in particular, as a principal party, to know the facts of the matter. Due to an understandable official reticence,

<sup>4</sup> See, for example, Mark Gayn, *Japan Diary* (New York, 1948); SCAP, Government Section, *Political Reorientation of Japan* (Washington, 1950), 2 vols.; Theodore H. McNelly, *Domestic and International Influences on Constitutional Revision in Japan, 1945–1946* (Unpublished doctoral dissertation at Columbia University, 1952); U. S. Department of State, *The Far Eastern Commission* (Department of State Publication 5138; Washington, 1953); Harry Emerson Wildes, *Typhoon in Tokyo* (New York, 1954); Harold S. Quigley and John E. Turner, *The New Japan, Government and Politics* (Minneapolis, 1956); and a work by the former chief of the Government Section, Courtney Whitney, *MacArthur His Rendezvous with History* (New York, 1956). The Royal Institute of International Affairs has published a recent and authoritative contribution to this list by Hugh Borton in F. C. Jones, Hugh Borton and B. R. Pearn, *The Far East, 1942–1946* (London and New York 1955).

these are not yet all available but, insofar as the story can now be pieced together, they seem to diverge at important points from the several versions so far made public.

## II

The story properly begins with a consideration of the terms upon which Japan surrendered to the Allied Powers. The subsequent legal rights of the Occupation to control and to impose "reforms"—including constitutional changes—upon Japan depend ultimately upon the nature and extent of the commitments which Japan and the victorious Powers respectively assumed at the time of surrender. These are set forth in the Potsdam Proclamation of July 26, 1945, in the several notes subsequently exchanged between Japan and the Allied Powers, and in the formal Instrument of Surrender signed at Tōkyō Bay on September 2, 1945. It is the ambiguity of these documents which gives rise to the principal legal issue here involved. This might perhaps be summarized in the question: to what extent is an unconditional surrender really unconditional?

Section 13 of the so-called Potsdam Proclamation states clearly the doctrine of unconditional surrender in the following terms: "We call upon the government of Japan to proclaim now the unconditional surrender of all Japanese armed forces, and to provide proper and adequate assurances of their good faith in such action. The alternative for Japan is prompt and utter destruction." Despite this forthright demand for "unconditional" surrender, much of the remainder of the Proclamation is devoted to a statement of the Allied Powers' intentions *vis-à-vis* a defeated Japanese Empire. This constitutes in effect a series of "conditions" whereby the Allies undertake certain obligations to the Japanese, e.g. to preserve Japanese sovereignty over the home islands, to allow Japan's disarmed troops to return home, to permit Japan to maintain certain industries and to withdraw the Allied occupying forces at a specified future occasion. The fact that the United States government has chosen officially to adopt the view that these stipulations do not constitute conditions possessed of any binding contractual force does not of itself preclude or invalidate variant interpretations by other interested parties.<sup>5</sup>

The particular aspect of these negotiations of present interest, however, concerns the degree to which they legitimize the Occupation's later activities in the field of constitutional reform. Here again the documents were ambiguously enough drawn so that variant and contradictory interpretations emerge. On the one hand, Sections 6 and 10 of the Potsdam Declaration demand that: "There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest . . ."; and that: "The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion, and of thought, as well as respect for the fundamental human rights shall be established." On the other

<sup>5</sup> See *Political Reorientation*, Vol. 2, pp. 413-15; and Jones, Borton and Pearn, *op. cit.*, pp. 506-07, for the texts of these official exchanges.

hand, according to Section 12, "The occupying forces of the Allies shall be withdrawn from Japan as soon as these objectives have been accomplished *and there has been established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government.*"<sup>6</sup> A major contradiction lurks in these high-sounding phrases. If the first group is emphasized, it is quite possible to argue with some cogence and persuasiveness, as General Whitney has actually done,<sup>7</sup> that the removal of "all obstacles to the revival and strengthening of democratic tendencies among the Japanese people" is impossible without substantial constitutional and governmental reforms and that these are, consequently, authorized by the Potsdam terms. But if, on the other hand, one looks primarily to the "freely expressed will of the Japanese people" proviso, one can argue that, although in terms it only purports to set a precondition to the withdrawal of forces, it requires that in the last analysis the Japanese people must freely determine what specific type of "peacefully inclined and responsible government" they prefer. Any abridgment of this right then presumably becomes a breach of the obligations undertaken, morally at least, by the Allied Powers at Potsdam.

An examination of the basic documents will indicate that an embarrassing prominence has been accorded by the Allies, and in particular by the Government of the United States, to this "freely expressed will of the Japanese people" proviso. In addition to its original occurrence in the Potsdam Proclamation, the official Allied reply of August 11, 1945 to Japan's qualified acceptance of the Potsdam terms reiterated and made more specific the commitment of Paragraph 12: "The ultimate form of government of Japan shall, in accordance with the Potsdam Declaration, be established by the freely expressed will of the Japanese people." This point was underlined again in the presidential directive of September 6, 1945, entitled "United States Initial Post-Surrender Policy for Japan":<sup>8</sup>

The ultimate objectives of the United States in regard to Japan, to which policies in the initial period must conform, are: . . .

(b) To bring about the eventual establishment of a peaceful and responsible Government which will respect the rights of other states and will support the objectives of the United States as reflected in the ideals and principles of the Charter of the United Nations. *The United States desires that this government should conform as closely as may be to principles of democratic self-government but it is not the responsibility of the Allied Powers to impose upon Japan any form of government not supported by the freely expressed will of the people.*

On November 3, 1945, the language of the italicized portion of this statement was reiterated almost verbatim in the Joint Chiefs of Staff "Basic Initial Post-Surrender Directive to SCAP (The Supreme Commander for the Allied Powers) for the Occupation and Control of Japan." Thus, although the case is not conclusive, it can certainly be argued from the published documents that the Allied Powers, the United States as the chief occupying power, and the Supreme

<sup>6</sup> Italics added.

<sup>7</sup> *Political Reorientation*, Vol. 2, pp. 622-23.

<sup>8</sup> *Ibid.*, Vol. 2, p. 423. Italics added.

Commander as their immediate agent were officially and publicly committed to the policy of favoring and supporting, *but not imposing*, a democratic form of government upon Japan. It was repeatedly asserted at the outset that ultimately "the freely expressed will of the Japanese people," not the desire of the United States or SCAP, was to prevail in this sphere.

Nevertheless, it was made apparent to the Japanese authorities very early in the Occupation that the Supreme Commander felt that "no political reform that did not encompass revision of the Meiji Constitution would be worth serious consideration."<sup>9</sup> Without that, he apparently felt that any reforms which might be achieved would be fatally vulnerable to the whims of future cabinets and Diets, once the protection afforded by the Occupation's authority was withdrawn. In September, 1945, General MacArthur informed the then premier, Prince Higashikuni, that he regarded constitutional revision as a matter of prime importance. In October the issue figured prominently in interviews between General MacArthur, Prince Konoe and the new premier, Shidehara Kijūrō. Prince Konoe was informed in some detail of those constitutional dispositions which SCAP felt should be changed.<sup>10</sup>

Stimulated in this manner, the Japanese themselves began working on constitutional revision. In fact, due to a curious "misapprehension" on the part of Prince Konoe which has never been satisfactorily explained, they set up two separate and competing agencies in this field. The first, located technically within the Imperial Household, was headed by Prince Konoe assisted by Professor Sasaki Sōichi. This was established on October 11, 1945, and pretty much collapsed as a serious political effort with the issuance of an anonymous statement by Allied Headquarters on November 1, 1945 denying Konoe's repeated public statements that his efforts in this field had been suggested and were sponsored by General MacArthur himself. Despite this rebuff, Konoe is said to have presented an Outline of Constitutional Revisions to the Emperor on November 22, 1945, which was supplemented by a more detailed statement by his colleague Professor Sasaki on November 24.<sup>11</sup>

The second and but slightly more durable agency, established by the Japanese Government on October 24, 1945, was a cabinet Committee for the Investigation of Constitutional Problems, under the chairmanship of a former Tōkyō University law professor and then minister-without-portfolio, Matsumoto Jōji. This included a number of outstanding Japanese legal experts and held some seven general and fifteen research meetings between October 27, 1945 and its dissolution on February 2, 1946. We have no information, from Mr. Satō's account or any other published source, about what went on in the inner councils of the government during this period. The Committee was ap-

<sup>9</sup> *Ibid.*, Vol. 1, p. 90.

<sup>10</sup> *Ibid.*, Vol. 1, p. 91.

<sup>11</sup> See Satō Tatsuo, "Nihonkoku Kempō Seiritsushi," *Jurisuto*, No. 81 (May 1, 1955), p. 6; McNelly, *op. cit.*, p. 48; and Jones, Borton and Pearn, *op. cit.*, pp. 327-28. An allegedly accurate version of Konoe's suggestions appears in the *Mainichi Shimbun* for December 21, 1945.

parently unable to reach complete agreement within its own ranks, but, despite this, finally presented informally to SCAP on February 1, 1946 two documents entitled "Gist of the Revision of the Constitution" and "General Explanation of the Constitutional Revision Drafted by the Government."<sup>12</sup> These represent very limited revisions of the Meiji Constitution, and were perhaps intended by the Matsumoto Committee and the Japanese Government as a tentative and bargaining first approach to ascertain more precisely and concretely just what degree of constitutional change SCAP intended to require. They almost completely ignore, if indeed the Committee knew about, the specific areas of constitutional reform recommended to Prince Konoe in October 1945 by George Atcheson, the Political Adviser to SCAP, and provide for very little constitutional change of any democratic significance. The underlying assumption seems to have been that the Meiji Constitution was itself capable of development along democratic lines and that only minor tinkering was necessary to achieve this. Given a government of the political and social persuasions of the Shidehara Cabinet and a committee in general reflective of these, this attitude is hardly surprising. Both were reluctantly responding to SCAP pressure in an area of the most fundamental importance; one can scarcely believe that, if left to their own devices, they would have engaged in any very extensive revision. From their standpoint, a posture of slow and cautious bargaining was obviously indicated in order to ascertain the specific nature and extent of SCAP's demands and the strength with which they were held. How else could they avoid the danger, as they saw it, of overcommitting themselves to unwanted democratic innovations? It seems, therefore, either curiously naive or calculated to entertain seriously the expectation that the first Matsumoto Draft would display any significant degree of democratic reform. Whatever the reasoning, the Supreme Commander reacted most adversely to these documents and on February 1, 1946 ordered General Whitney, Chief of his Government Section, to draft a detailed rejection of the Matsumoto proposals.

Thus far the story of the origins of the new Japanese constitution is fairly clear and the principal facts generally agreed upon. The Supreme Commander was following quite literally the terms of his basic directive to support and encourage, but not to impose, democratic changes upon the Japanese. After February 1, 1946, however, developments took a new and surprising turn, important facts become most difficult to obtain, and conclusions must often, therefore, remain tentative. Despite such qualifications, materials recently published in Japan have yielded important fresh insights into what actually transpired.<sup>13</sup>

<sup>12</sup> The English texts of both of these are given in *Political Reorientation*, Vol. 2, pp. 617-21, together with the text of an unofficial but more complete draft which was "leaked to" and published by the *Mainichi Shimbun* on February 1, 1946 (pp. 611-16). This last is generally regarded as accurate.

<sup>13</sup> The following materials are particularly notable: 1) Miyasawa Toshiyoshi and Satō Isao, "MacArthur Kempō Sōan Kaisetsu [A Commentary on the MacArthur Draft Constitution]," *Kokka Gakkai Zasshi*, Vol. 68, Nos. 1 and 2 (Sept. 1954), pp. 1-6 and 1-37. The authors, stimulated by the earlier publication of an incomplete and somewhat garbled



On February 3, 1946, after further reflection on the whole matter of constitutional revision in the light of the unsatisfactory Matsumoto Committee proposals, General MacArthur concluded, in the words of the Government Section Report, that "the most effective method of instructing the Japanese Government on the nature and application of these principles he considered basic would be to prepare a model constitution embodying those principles."<sup>14</sup> On the same day he instructed General Whitney to have the Government Section draft such a constitution, extending full discretion as to its terms save that he stipulated three groups of points which he wanted incorporated. These included the first known version of the famous "no war" clause depriving Japan of armed forces and the right of belligerency, which eventually became Article 9 of the new constitution.<sup>15</sup> This decision to supply the Japanese with a model constitution was of fundamental importance, particularly because the resultant draft was, with remarkably few significant changes, to become the constitution of Japan.

The taking of so momentous a decision on this particular date—February 3, 1946—presents an interesting problem. As one follows the series of steps leading to the adoption of a new Japanese constitution, one is constantly troubled by the question of pace and timing. From the end of October 1945 to February 1, 1946 the Occupation authorities do not seem to have manifested any extraordinarily urgent concern about constitutional revision. One detects some impatience with the dilatory proceedings of the Matsumoto Committee, to be sure. But at the same time this was matched by a disposition to wait and see what sort of proposal the Japanese were going to make. Then suddenly about February 1 constitutional revision became a matter of the highest priority,

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text by Dr. Watanabe Tetsuzō, here publish for the first time the official text of the original draft constitution prepared by SCAP and handed to the Japanese representatives on February 13, 1946. Both the original English version and the official Japanese translation are given. 2) Satō Tatsuo, "Nihonkoku Kempō Seiritsushi [History of the Formulation of the Japanese Constitution]" *Jurisuto*, Nos. 81 (May 1, 1955) +. Nineteen sizeable installments of this marathon article had appeared in the columns of *Jurisuto* between May 1, 1955 and February 1, 1956, the last issue available to the writer. More are yet to come. The author was Chief of the First Section of the Cabinet Bureau of Legislation in early 1946, and, after February 26, served as Minister Matsumoto's chief assistant in drafting and revising the several Japanese versions of the constitution produced by the Government. He also conducted much of the vital liaison with SCAP on this matter. His opportunities for first-hand observation and for obtaining reliable information about the constitution were practically unparalleled. In general his story is carefully presented, consistent with what facts have been established, straightforward and plausible. 3) Satō Tatsuo, "Nihonkoku Kempō Tanjōki [A Record of the Birth of the Japanese Constitution]," *Toki no Hōrei*, Nos. 189 (May 3, 1944) +. This series, by the same author, had gone through fifteen installments, with more to come, by October 13, 1955, the last issue available to the writer. It is a less technical and more popularized version of essentially the same materials.

<sup>14</sup> *Political Reorientation*, Vol. 1, p. 102. For a more detailed account of this development, see below, pp. 992 ff.

<sup>15</sup> The text of these three points is given in *Political Reorientation*, Vol. 1, p. 102. See also Jones, Borton and Pearn, *op. cit.*, p. 330.

and within three weeks an entirely new constitution was drafted and accepted in principle by the Japanese Government. The question naturally arises as to why such frantic haste. The fundamental law of a great modern state was involved. This was certainly a matter of sufficient gravity to merit a somewhat more deliberate, dignified and careful procedure.

The question is rendered even more puzzling by General MacArthur's categorical assurance on January 30, 1946 to the visiting members of the Far Eastern Advisory Commission that he had ceased to take any action on constitutional reform and that, as a matter of fact, the entire issue had been taken out of his hands by the Moscow Agreement. This assurance was given two days before General Whitney submitted to General MacArthur a formal memorandum claiming to prove that SCAP had authority to proceed with constitutional reform, and four days before General MacArthur ordered his Government Section to produce a model constitution for the guidance of further Japanese efforts in this field. This official statement to the Far Eastern Advisory Commission is of sufficient interest to merit quotation:<sup>16</sup>

On January 30 [1946] General MacArthur talked confidentially to the members in regard to the problems of the Occupation. As to the question of constitutional reform, he said that the matter had been taken out of his hands by the Moscow Agreement of December 26, 1945, which had set up the Far Eastern Commission. When he started out in Japan his original directive gave him jurisdiction in the matter but now he had ceased to take any action. He said that it was his hope that whatever might be done about constitutional reform would be done in such a way as to permit the Japanese to look upon the resulting document as a Japanese product, for he believed that only in this way could the work be permanent. He said that it was his conviction that a constitution, no matter how good, forced upon the Japanese by bayonets would last just as long as bayonets were present, and that he was certain that the moment force was withdrawn and the Japanese were left to their own devices they would get rid of that constitution, merely for the purpose of asserting and maintaining their independence of ideas that they had been forced to accept.

There seems to be a sizeable gap dividing the Supreme Commander's views expressed on January 30 and the action which he initiated on February 3. In the absence of clarification from General MacArthur or other high SCAP officials, the explanation of this gap can only be conjectured. The following considerations seem relevant, however, to the questions both of authority and timing which have been raised. They require some understanding of the general situation at this time.

### III

Some competition appears to have developed among several United States and international agencies for the predominant influence over the general nature and formulation of the proposed new democratic constitution. This was occasionally so pronounced as to tempt a cynical observer to conclude that, of

<sup>16</sup> U. S. Department of State, *The Far Eastern Commission* (Far Eastern Series 60; Washington, 1953), p. 44. The Far Eastern Advisory Commission was the inter-Allied agency initially charged with making recommendations on the implementation of the Japanese surrender terms.

all possible candidates, only the Japanese Government displayed any reluctance to father this document. At various times the principal actors in this drama are said to have been the Department of State, the State-War-Navy Coordinating Committee (SWNCC) through its Far Eastern Subcommittee, the Far Eastern Commission (FEC) and SCAP; indeed, it has been claimed beyond this that within SCAP there was a brief but bitter rivalry in 1945 between the Government Section and the Office of the Political Adviser, i.e. the Department of State's liaison officer with General MacArthur, over their respective roles in the revision of the Meiji Constitution.<sup>17</sup> Although the precise details of the interplay of these agencies are still to be made clear, a general outline of major developments may be attempted.

Of the several rivalries involved, the most persistent and public was that between SCAP and the Far Eastern Commission. FEC was in the first instance the product of British and Soviet dissatisfaction with the authority of the already existing Far Eastern Advisory Commission. They desired a larger share in the formulation and execution of policy toward occupied Japan than had been allotted them. This they apparently obtained at the Moscow Meeting of Foreign Ministers on December 26, 1945. Here it was agreed to set up two rather complex international agencies, the Far Eastern Commission (FEC) with headquarters in Washington, D. C., and the Allied Council sitting in Tokyo. While the latter had only advisory authority, the former was empowered "to formulate the policies, principles and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished" and "to review, on the request of any member, any directive issued to SCAP or any action taken by the Supreme Commander involving policy decisions within the jurisdiction of the Commission." The dominant position of the United States was protected by its veto power and by the recognition of its authority to issue interim directives to SCAP "pending action by the Commission whenever urgent matters arise not covered by policies already formulated by the Commission; *provided that any directives dealing with fundamental changes in the Japanese constitutional structure or in the regime of control, or dealing with a change in the Japanese Government as a whole will be issued only following consultation and following the attainment of agreement in the Far Eastern Commission.*"<sup>18</sup> On this basis a multinational agency of eleven states was established in Washington on February 26, 1946.

Despite the date of its actual establishment, it will be noted that the Commission's terms of reference had been known to the governments concerned and to SCAP since the end of December 1945. It was quite obvious from these

<sup>17</sup> See Theodore H. McNelly, cited above, note 4, p. 43. Dr. McNelly claims that certain individuals in the Political Adviser's Office were working closely with the Konoe group on constitutional revision, and that this angered General MacArthur and induced him to order the Political Adviser's Office to cease its operations in this connection, thus leaving the field to the Government Section. See also Jones, Borton and Pearn, *op. cit.*, p. 328.

<sup>18</sup> Far Eastern Commission, Secretary-General, *Activities of the Far Eastern Commission, February 26, 1946-July 10, 1947* (Washington, 1947), pp. 37-38. Italics added.

that the setting of policy on constitutional reform in Japan was not only to become a prerogative of the FEC but that its authority in this field was given special and protected status, since it was exempted from the scope of the United States' general right to issue "interim directives" on urgent matters. In other words it was clear by the end of December 1945, if not earlier, that if the United States, or any of its agencies such as SCAP, seriously intended to control the terms and forms of constitutional revision in Japan, it would be highly expedient to push the process as rapidly as possible. If not, a significant share of its authority might be preempted by the FEC. Once the Commission came into existence, it made abundantly clear its view that the determination of major policy on the revision of Japan's constitution was one of its prime concerns. It definitely resented what it viewed as SCAP's subversion of its authority in this field.<sup>19</sup>

The precise role of the Department of State and the interdepartmental planning agency bearing the ponderous title of State-War-Navy Coordinating Committee (SWNCC) in the development of this constitutional issue in Japan is more difficult to ascertain. It was fairly common knowledge in Washington during the early days of the Occupation that relations between the Department of State and SCAP were scarcely cordial. On several occasions the situation became acrimonious enough to spill into the press.<sup>20</sup> Despite such rivalry, however, there appears to have developed during January 1946 at least a limited, and perhaps coincidental, commonality of view between the State Department and SWNCC on the one hand and SCAP on the other upon the subject of constitutional revision. It seems probable that the basis for this unwonted consensus was their agreement on the need for constitutional reform in Japan, and their common preference that this be controlled ultimately by an American rather than an international agency. Given the existing international situation, this was, from the United States' standpoint, a quite reasonable preference. The difficulties of dealing with the Russians alone had already been elaborately demonstrated. Innumerable possibilities of discord, delay and unsatisfactory compromises might be attendant upon dealing with any multinational agency of the size and complexity of the FEC.

The attitude of SWNCC, which may safely be held to accord with that of the Department of State, is best exemplified in a policy paper entitled "Reform of the Japanese Governmental System" and identified as SWNCC-228. The origins of this document appear to go back at least to the spring of 1944,<sup>21</sup> thus attesting a long standing belief on the part of SWNCC and its predecessors in the Department of State and elsewhere that constitutional reform was essential in Japan. Beyond this, it seems probable that SWNCC may at this particular time have been seriously concerned over the possibility that General Mac-

<sup>19</sup> See U. S. Department of State, *The Far Eastern Commission*, op. cit., pp. 43-65; and Jones, Borton and Pearn, op. cit., p. 351.

<sup>20</sup> See, for example, the *Washington Post* for September 20 and 23, 1945, or the *New York Times* for December 31, 1945 and January 1 and 2, 1946.

<sup>21</sup> The writer is indebted to Professor Borton for information on this score.

Arthur might carry through a project of constitutional reform on his own authority without extensive or formal reference to the views of the Committee or the Department of State. In this light, SWNCC-228 is to be interpreted in part as an attempt by the Committee to lay down broad lines of policy for the guidance of SCAP's activities in this field, thus insuring some consideration for the Committee's views. Finally it was doubtless intended, in part at least, as an American policy paper for use before the FEC. The statement was approved by the Committee itself on January 7, 1946 and forwarded to General MacArthur, not as a directive, but for his information, on January 11.

The text of SWNCC-228, insofar as it has been available, is also of considerable interest.<sup>22</sup> Since we are not presently concerned with the substantive recommendations of the Conclusions, suffice it to say that they supply for the Supreme Commander a list of general political objectives for Japanese governmental reform, e.g., a responsible government and executive branch, a representative and powerful legislative branch, a broad guarantee of civil rights, fiscal accountability, abolition or reform of the imperial institution, etc. Without exception, all of these formal recommendations were eventually embodied in the new Japanese constitution. However, the "Conclusions" contain no mention of Japan's permanent disarmament. To the contrary, the "Discussion" section, although speaking of the "abolition of the Japanese armed forces," anticipates their ultimate revival and recommends the advisability of formal action to obtain permanent subordination of the military to civilian control by requiring that ministers of state in all cases be civilians.

Of major present interest is the fact that the "Discussion" section of this paper does squarely, if not altogether satisfactorily, confront the problem raised by the several official Allied commitments to the effect that "The ultimate form of government of Japan shall, in accordance with the Potsdam Declaration, be established by the freely expressed will of the Japanese people." Its argument goes as follows:

The Potsdam Declaration stipulates that the occupying forces shall not be withdrawn from Japan until a "peacefully inclined and responsible government" has been established. Past declarations of the United Nations, and the clear intention of the Allies permanently to eliminate Japanese practices and institutions which have made that country a danger to other nations, clearly indicate that that stipulation refers not merely to the particular Japanese Government which the Allies recognize prior to withdrawal, but also to the nature of Japan's governmental institutions. Although "the ultimate form of government of Japan" is to be determined by the "freely expressed will of the Japanese people," the Allies, in accordance with the above provision and as a part of their overall program for the demilitarization of Japan, are fully empowered to insist that Japanese basic law be so altered as to provide that in practice the government is responsible to the people, and that the civil is supreme over the military branch of the government.

<sup>22</sup> The Department of State has made available to the writer at least a sizeable portion of the text of those sections of SWNCC-228 entitled "Conclusions," "Facts Bearing on the Problem" and "Discussion." There are additional sections, but these have not been available for examination. With the exception of a brief and partial summary of the conclusions in the State Department report, *The Far Eastern Commission*, *op. cit.*, p. 45, this would seem to be the first time that this information has been released.

This is to say, of course, that certain of the terms upon which Japan surrendered are held by the United States to be more ultimate, more controlling than others, and specifically that the "freely expressed will of the Japanese people" guarantee is properly to be interpreted only within the context of and subordinate to other more basic terms and policies, and as a condition precedent to the termination of the Occupation. From a practical and legal standpoint this is probably a tenable position. Given the potentially contradictory terms of the Potsdam Declaration and the overriding need at the time for taking all steps calculated to insure as permanently as possible the peaceful and responsible character of the Japanese government, this was certainly the most probable position for the United States to take. Even so, however, there remains the problem of the ultimate Japanese reaction to such a stand. They may not concur in the long run and will probably choose instead to interpret the "freely expressed will" proviso as an absolute guarantee, and the United States' stand in SWNCC-228 as evasive, legalistic and essentially immoral—or "insincere," as they are more apt to say. The ambiguous and implicitly contradictory terms of the Potsdam Proclamation lend partial support to such a construction.

Thus SWNCC-228 seems to indicate that the Committee itself—speaking for the State, War and Navy Departments—had agreed: 1) that constitutional revision was necessary and desirable in Japan, 2) that the terms of surrender did not preclude the Allies from requiring such revision, and 3) that, while it was preferable that constitutional reforms be initiated by the Japanese, if they refused to do so, the Supreme Commander might "as a last resort" order the effectuation of a specific list of constitutional changes.<sup>23</sup>

Against this background we may examine next what is known about the Supreme Commander's attitude toward constitutional reform. We have already seen that, while General MacArthur is quoted as telling the Far Eastern Advisory Commission on January 30 that he had ceased to take any action in this field as a result of the Moscow Agreement, he apparently changed his mind within the space of the ensuing four days and initiated a number of moves which were to have sweeping consequences. In explaining this seeming change of mind, it must be remembered that SCAP's concern for constitutional reform did not begin suddenly in the opening days of February 1946. General MacArthur and his Government Section had been deliberately prodding and stimulating Japanese activity in this area since at least the preceding October. But

<sup>23</sup> These points are summarized in Section 7 of the "Discussion" part of SWNCC-228 in the following language: "To have lasting value and hence to be most effective, the constitutional and administrative reforms necessary to correct the defects in Japan's governmental system should be initiated and carried into effect by the Japanese Government out of a desire to eliminate elements of the national structure which have brought Japan to its present pass and to comply with the provisions of the Potsdam Declaration. Failing such spontaneous action by the Japanese, the Supreme Commander should indicate the reforms which this Government considers necessary before it can consider a 'peacefully inclined and responsible government' to have been established in Japan, a condition of the Occupation forces' withdrawal. Only as a last resort should a formal instruction be issued to the Japanese Government specifying in detail the reforms to be effected."

it was not until February that the question came to be assigned an overriding priority, indeed to be treated as a crisis imperatively demanding solution within the shortest possible space of time.

A series of important developments began on February 1, 1946: First, General MacArthur ordered his Chief of Government Section, General Whitney to prepare a detailed rejection of the unsatisfactory constitutional proposals of the Matsumoto Committee. Next, General Whitney submitted to the Supreme Commander a lengthy and cogently reasoned memorandum setting forth his official opinion as to the extent of SCAP's authority "to deal with fundamental changes in the Japanese constitutional structure, either by approving or disapproving proposals made by the Japanese Government or by issuing orders or directives to that Government."<sup>24</sup> After considering the several issues of substance and procedure involved, General Whitney concludes that "in the absence of any policy decision by the Far Eastern Commission on the subject (which would, of course, be controlling), you have the same authority with reference to constitutional reform as you have with reference to any other matter of substance in the occupation and control of Japan." It is a well-reasoned brief and represents one quite plausible interpretation of the matter.

Sections Four, Five and Six of the memorandum are of particular interest. These concern the relative roles and authorities of the Supreme Commander and the Far Eastern Commission in the area of constitutional reform. They point out with force and clarity that although any policy directive which the Far Eastern Commission might promulgate on this subject would be controlling on SCAP: 1) General MacArthur's authority was unimpaired until such action by the FEC; and 2) if constitutional revision were originated not by Occupation fiat but by the Japanese government's submission of a reform project to SCAP, (which was an object of policy on substantive grounds), then General MacArthur's subsequent approval of this would not constitute an "order" by SCAP, and hence would not entail prior consultation with the Allied Council for Japan.<sup>25</sup> Thus without definitely recommending any specific form of action, this last clause suggests that, if it is desirable to avoid the intervention of an international body, this may in part be accomplished by arranging that constitutional reform be initiated in a technical sense by the Japanese rather than by SCAP.

Two days after the submission of this memorandum, i.e. on February 3, 1946, General MacArthur changed his mind about the handling of the Matsumoto Committee's proposals. The reasons for this sudden change are still unknown. The decision to draft a model constitution for the guidance of the

<sup>24</sup> The complete text of this interesting memorandum is given in *Political Reorientation*, Vol. 2, pp. 622-23. It is not known whether this advice was initiated by General Whitney or previously solicited by SCAP.

<sup>25</sup> The words of the memorandum were: "It is my opinion that the word 'order' in the charter of the Allied Council is used in the sense of compulsion and would not embrace a mere approval by you of constitutional reform measures submitted to you by the Japanese Government, although your action in approving the same would be subject to review by the FEC under the general review authority of its charter." *Op. cit.*, p. 623.

Japanese, while not a breach of any specific directive to SCAP, paid only lip service to the spirit of the injunction in SWNCC-228 that "only as a last resort should a formal instruction be issued to the Japanese Government specifying in detail the reforms to be effected." A variety of factors may have determined this change of attitude. It may have been due in part simply to cumulative irritation with Japanese dilatoriness or to the natural impatience of a man of action with governmental temporizing and international red tape. Beyond this, General Whitney's recent biography of General MacArthur confirms a further important consideration already suggested.

"When shortly thereafter," General Whitney's account states,<sup>26</sup>

the State Department at the Big Three Foreign Ministers meeting in Moscow in December of 1945, surrendered the unilateral authority we were then exercising over Japan to an eleven-nation policy-making commission and gave the Soviet Union veto power over all policy incident to Japan, *MacArthur realized the urgency of immediate action under the powers he then held.*

If the Supreme Commander's Aide is accurately portraying his superior's views, this is an extraordinarily interesting statement. Such a view certainly disregards the spirit, if not the letter, of the obligations officially assumed by the United States at Moscow; it also illustrates how firmly the Army doctrine was established that a theater commander is entitled to the fullest freedom of action. Both the United States Government and the Supreme Commander by then had ample provocation and precedent of a practical sort to support this preference for speedy unilateral action. The Soviet attitude and abilities to exploit divisive and potentially explosive issues had already been made painfully and dangerously obvious in Western and Central Europe, and MacArthur's concern to avoid similar perils in Japan is certainly understandable.

As of early February 1946, it emerges, therefore, that the Supreme Commander felt strongly the necessity of prevailing upon the Japanese Government to accept a democratic constitution. It also was desirable on a variety of grounds that such a constitution not be imposed upon the Japanese by formal SCAP directive, but rather that it appear to be of official Japanese origin and be presented to SCAP by the Japanese Government as their own project for which they sought his approval and support. Since FEC was to be formally established in Washington probably before the end of February, time was of the essence. As it turned out, only by gaining Japan's acceptance in principle of a constitution prior to February 26 was it possible for SCAP to forestall possible intervention and to present the FEC with a *fait accompli*.

#### IV

When, on February 3, General MacArthur changed his mind, as has already been noted, he summoned General Whitney and ordered him "to prepare a draft constitution."<sup>27</sup> General Whitney at once returned to his Section and

<sup>26</sup> Major General Courtney Whitney, *MacArthur, His Rendezvous with History* (New York, 1956), p. 247. Italics added.

<sup>27</sup> See *Political Reorientation*, vol. 1, p. 102.



informed his three ranking officers—Colonel Charles L. Kades, Lieutenant Colonel Milo E. Rowell and Commander Alfred R. Hussey—of the Supreme Commander's decision. These men then devised a plan of procedure which was approved by General Whitney on February 4. Thereafter a general meeting of the Section's personnel (with the exception of the Korean Division) was called and General Whitney informed them, quite dramatically it is said, of the awesome responsibility which had been placed upon them.<sup>28</sup>

Under conditions of the greatest secrecy, the Section then organized itself as a "constitutional assembly" composed of some 25 persons divided, with minor overlapping, into nine committees and a secretarial and interpreting service. In addition to General Whitney, four members of this group were lawyers, though none appears to have specialized in constitutional law; another was a former member of Congress, one a specialist in public administration, and two were academic figures—one an historian specializing in China and the other a sociologist with extensive prewar experience in Japan. None of them appears to have had any expert qualifications for the reasonably complex and technical job of drafting a constitution; none of them, with the exception of the two academic figures and one female staff member seems to have had any substantial prewar connection with or knowledge of Japan, its traditions and political institutions. This is not to impugn in any way the individuals involved; the task was a military assignment, certainly not of their own choosing. But it must be recognized that for so fundamental, and critical a task, their qualifications left a good deal to be desired.

The Government Section Report tells something of the labors which ensued.<sup>29</sup> They must in truth have been titanic. The working group consisted of 21 of the 25 Section members. These twenty-one were organized into nine committees: a Steering Committee with directive and coordinating functions, plus working committees on the Legislature; Executive; Judiciary; Civil Rights; Local Government; Finance; the Emperor, Treaties and Enabling Provisions; and the Preamble. One cannot but admire the enthusiasm and energy which all must have brought to their task. A variety of sources, mostly American, seem to have been briefly consulted, although one participant claims that the Soviet Constitution was also studied.<sup>30</sup> Their deliberations were further complicated by the fact that:<sup>31</sup>

... those working on the problem had to bear in mind constantly that they were dealing not only with the abstract problem of writing a democratic constitution but that they were proposing the most far-reaching political reforms for an entire nation, and that, to the greatest extent feasible, the provisions and institutions should be designed to fit the

<sup>28</sup> One account claims that General Whitney began his statement with the words: "Ladies and gentlemen, this is an historic occasion. I now proclaim you a constitutional assembly." See Mark Gayn, *Japan Diary* (New York, 1948), p. 126; or H. E. Wildes, *Typhoon in Tokyo* (New York, 1954), p. 44.

<sup>29</sup> *Political Reorientation*, Vol. 1, pp. 102-05; see also McNelly, *op. cit.*, pp. 155-68; Gayn, *op. cit.*, pp. 126-29; Wildes, *op. cit.*, pp. 41-46; and Whitney, *op. cit.*, pp. 246-62.

<sup>30</sup> Wildes, *op. cit.*, p. 44.

<sup>31</sup> *Political Reorientation*, Vol. 1, p. 105.

Japanese political picture. The document was to serve as a model or pattern, was to be presented as a statement of general principles but in such form that their application could be readily understood. Unless, however, the statement bore some relationship to the existing state of things, it was obvious that it would not serve its purpose.

A wise caution, certainly, although given the group's unfamiliarity with the legal and actual workings of Japan's political system, it is somewhat difficult to see how more than superficial observance could have been given it.

The "constituent assembly" seems to have operated under the strongest sort of pressure for rapid results. It is claimed that the original schedule called for a completed draft in ten days, and looked forward to its adoption within the ensuing eight days, on Washington's birthday, it was hoped.<sup>32</sup> Incredible to say, the first half of this fantastic schedule was actually bettered, the draft being completed on February 10, six days—and doubtless nights—after its commencement; while the Japanese Government actually did informally accept it in "basic principle" on February 22, thus establishing a curious symbolism hitherto appreciated by but a few of the immediate actors in this strange drama. This awesome display of speed and "efficiency" without a doubt represents the world's record time for the devising and acceptance of a constitution for a major modern state.

Upon completion, the draft constitution was presented to General MacArthur who approved it with but a single significant change.<sup>33</sup> The draft was then mimeographed in English on February 12 and presented to the Japanese at a meeting at the Foreign Minister's Residence on February 13, 1946. In the words of Japan's most recent and authoritative commentator on this whole development, this is "the date which should go down in history as the day on which the Japanese Constitution was conceived."<sup>34</sup>

This meeting of February 13 is of critical importance, the principal point at issue being the terms in which the Supreme Commander's officers presented the Government Section's "draft constitution" to the representatives of the Japanese Government. How permissive or how coercive were they? We do not yet have a detailed first-hand report from one or more of the participants, but the secondary accounts presently available yield the following picture.<sup>35</sup>

The meeting was held at 10 A.M. on February 13, 1946 at the Foreign Min-

<sup>32</sup> McNelly, *op. cit.*, p. 161; Wildes, *op. cit.*, p. 44; and Whitney, *op. cit.*, p. 250.

<sup>33</sup> *Political Reorientation*, Vol. 1, p. 105. The change seems to have involved the deletion of a provision forbidding any amendment to the constitution "impairing or altering the provision of the bill of rights." *Ibid.* p. 104.

<sup>34</sup> Satō Tatsuo, *op. cit.*, note 11 above, *Jurisuto*, No. 82 (May 15, 1955), p. 13.

<sup>35</sup> The following account is based primarily on the detailed version given by Satō Tatsuo in the two series of articles cited in footnote 13, and on the Government Section's and General Whitney's own versions in their respective works already cited. Mr. Satō was not himself present at the meeting of February 13, but he claims to base his account of it on Minister Matsumoto's own written summary of what was said, on conversations with Matsumoto, and on the stenographic records of recent discussions of this meeting by other actual participants and a number of well-informed Japanese before the Liberal Party's Constitutional Investigation Committee. See *Jurisuto*, *op. cit.*, No. 82, p. 12. See also Quigley and Turner, *op. cit.*, pp. 118-20.

ister's official residence in Azabu. The Supreme Commander was represented by General Whitney, Colonel Charles L. Kades, Lieutenant-Colonel Milo E. Rowell and Commander Alfred R. Hussey, Jr. The Japanese group consisted of the then Foreign Minister Yoshida Shigeru, Minister of State Matsumoto Jōji, a member of the Foreign Ministry staff named Hasegawa, and Mr. Yoshida's confidential secretary Shirasu Jirō. The meeting had originally been requested by the Japanese for February 5 to discuss the Matsumoto proposals submitted to SCAP on February 1 and subsequently had been postponed for a week at their request. So far as they knew, its purpose was still to discuss Minister Matsumoto's recommendations for minimal revision of the constitution. The Government Section Report describes the events of the meeting in the following terms:<sup>36</sup>

General Whitney informed the Japanese representatives that the proposals of the Matsumoto Committee were totally unacceptable, that they fell short of that broad and liberal reorganization of the Japanese governmental structure along democratic lines which the Allied Powers could regard as significant evidence that Japan had learned the lessons of war and defeat and was prepared to act as a responsible member of a peaceful community. He then stated that the Supreme Commander had caused to be prepared a detailed statement of those principles he deemed basic, that the statement was being presented to the Japanese Government in the form of a draft constitution, and that the Government was advised to give it the fullest consideration and use it as a guide in its renewed efforts to prepare a revised constitution. The Japanese were told that there was no compulsion upon them to take further action but that the Supreme Commander was determined that the constitutional issue should be brought before the people well in advance of the general election and that they should have full opportunity to discuss freely and freely express their will on constitutional reform. Failing action by the Cabinet, General MacArthur was prepared to lay the issue before the people himself.

The only question that ensued involved the question of a unicameral legislature, which Dr. Matsumoto questioned. The Japanese appeared visibly surprised and disturbed and said they would have to consider the matter and discuss it with the Cabinet before any definite answer could be given.

So far as it goes, this seems to be a completely accurate statement of what transpired at the meeting. In itself and despite its explicit disclaimer of any intent to compel action by the Japanese Government in this matter, the account establishes the application of a very compelling pressure to obtain a favorable and speedy reaction from the Japanese Government. The threat to take the entire issue to the people over the Government's head was potent. Given the traditional distrust of Japanese officials for popular sovereignty in any form, rendered particularly acute at the moment by the country's desperate and tumultuous economic and social circumstances and the unprecedented scale of left-wing political activities, it is difficult to conceive of any more ominous development from the standpoint of Japanese officialdom than a constitution formulated in the "marketplace." The addition of the warning that SCAP intended that the issue of constitutional revision be brought before the people "well in advance of the general election" gave to this threat practically the force of an ultimatum. The statement was made on February 13. At the time the general election was scheduled for March 31, a bare 45 days later.

<sup>36</sup> *Political Reorientation*, Vol. 1, p. 105.

In his recent book General Whitney has expanded upon the official version of this threat to take the draft constitution to the people. He reveals that he made this statement without prior authorization from General MacArthur and was somewhat concerned as to whether his superior would approve of it. His account goes as follows:<sup>37</sup>

Then I took a chance. With no prior authorization from MacArthur, I told the Japanese that while there was no compulsion upon them to take further action, the Supreme Commander was determined that the constitutional issue should be brought before the people well in advance of the general election. He felt, I explained, that they should have full opportunity to discuss and freely express their will on constitutional reform. Therefore, I said, if the cabinet were unable to prepare a suitable and acceptable draft before the elections, General MacArthur was prepared to lay this statement of principle directly before the people.

The effect of this statement upon the Japanese representatives was immediately visible. Mr. Shirasu straightened up as if he had sat on something. Dr. Matsumoto sucked in his breath. Mr. Yoshida's face was a black cloud. . . .

By the time we had left Mr. Yoshida's residence shortly thereafter, we were fairly convinced that our proposed draft would be accepted as the basis for the revised constitution. But my gratification at this was tempered by the realization that I had committed MacArthur to a political maneuver which he might consider rash [i.e. the threat to publish the draft]. . . .

But I had known him long enough so that I should have realized what his answer would be . . . "Court," he said, "don't you know that I have never repudiated any action taken for me by a member of my staff? Right or wrong, whether I like it or not, I accept the situation as it stands and determine my next move from there." Nothing more was said on the subject.

This threat of publication might in itself have been enough to insure the compliance of the Shidehara Cabinet.

According to Mr. Satō's account, however, further and even stronger pressures were brought to bear. He attributes to General Whitney these additional statements which do not appear in either the official Government Section Report or General Whitney's own account: (1) That a constitution similar to that drafted by the Government Section would "without fail be accepted by SCAP, the United States [Government] and by the Far Eastern Commission as well."<sup>38</sup> (2) That "General MacArthur had for some time been considering most seriously the maintenance of the Emperor, but that it was essential to the accomplishment of this aim that the Japanese Government proclaim a revised constitution similar to the draft here being presented. If this was not done, *the person of the emperor could not be guaranteed.*"<sup>39</sup> After concluding on the rather remarkable note that SCAP was not "ordering" the Japanese Government to adopt such a constitution, General Whitney is then said to have given the Japanese twenty minutes in which to examine the draft constitution which had been presented to them.<sup>40</sup> He and his aides in the interim withdrew to the garden.

<sup>37</sup> Whitney, *op. cit.*, pp. 250-52.

<sup>38</sup> Satō, *Jurisuto*, No. 82, p. 13; *Tokino Hōrei*, No. 170, p. 15.

<sup>39</sup> *Ibid.* Italics added.

<sup>40</sup> General Whitney estimates the time as "about an hour." *Op. cit.*, p. 251.

After this break, the meeting resumed under somewhat melodramatic circumstances, described by General Whitney in the following terms:<sup>41</sup>

... At the end of about an hour, I decided that we should rejoin our hosts, and we were rising as Mr. Shirasu reappeared.

He seemed flustered by the drastic changes in our draft, and it occurred to me that this was an opportune moment to employ one more psychological shaft. I did not know the impressive support that I was about to receive from an unexpected quarter.

As he mumbled apologies for keeping us waiting, I replied with a smile: "Not at all, Mr. Shirasu. We have been enjoying your atomic sunshine."

And at that moment, with what could not have been better timing, a big B-29 came roaring over us. The reaction upon Mr. Shirasu was indescribable, but profound.

When we seated ourselves across the patio from the committee members again, I could see that Mr. Shirasu's colleagues were as upset by our proposals as he was. . . .

Their perturbation is readily understandable. The conversations having been resumed on this heavy-handed note, Matsumoto, after trying to ascertain the reasons for which a unicameral legislature was being recommended, explained that they would have to study the draft constitution and consult with their colleagues. Their visitors then departed. According to Mr. Satō, the meeting had lasted for slightly over an hour.

The attitude subsequently adopted by the Japanese Government testifies to the persuasiveness of the pressures which SCAP's representatives are said to have exerted at this meeting. Their full force should be appreciated. First, the statement attributed to General Whitney that a Japanese Constitution similar to the Government Section model would "without fail be accepted by SCAP, the United States and by the Far Eastern Commission" placed the Japanese in a very difficult position.<sup>42</sup> They were told that the Allied Powers intended to insist on extensive constitutional revision. They were in effect offered a choice between accepting the model provided by SCAP's Government Section or of embarking on the uncertainties of drafting a variant version more to their liking. They were assured of SCAP's approval and support of its document and officially informed that it would also be accepted by the top Allied authorities. Moreover, a specific and detailed constitution was before them. Without a doubt, it was most unpalatable, but at least they knew the worst of its terms. If they were to reject the Government Section Draft and set out to write their own constitution, they might seriously jeopardize the good will of the Supreme Commander and of his Government Section. These were perhaps the most important agencies in Japan at that time and for an unpredictable number of years to come; no responsible Japanese officials would lightly incur such a risk. Second, if they were to write their own constitution at some later date, it would then have to be approved in the first instance by SCAP and his Government Section. Would they approve any version not substantially similar to the Government Section Draft? The Japanese could only guess at what posi-

<sup>41</sup> *Ibid.*

<sup>42</sup> If such a statement was made, one cannot refrain from wondering by virtue of what authority or prescience General Whitney could thus commit the still nonexistent FEC to the approval of a document it had never seen.

tive gains might ultimately accrue from delay. Third, if they delayed for more than a week or two, the Far Eastern Commission could be expected to have come into official existence and operation. The Japanese were quite well aware that the FEC was intended as a policy-determining agency for the Occupation, with a special interest and authority in the field of constitutional reform. Did they prefer to deal with the known dangers presented by SCAP, or the unknown perils of a remote and complex international agency of which the USSR was a prominent and powerful member?

The most decisive pressure said to have been brought against them is, however, the threat to "the person of the Emperor."<sup>4</sup> If such a threat was made, one can understand far better the docility of the Japanese in the remaining negotiations on constitutional revision. It is only necessary to recall that when they accepted the terms of surrender set forth at Potsdam, they attempted to make but a single stipulation that "the said declaration [of Potsdam] does not comprise any demand which prejudices the prerogatives of His Majesty as a Sovereign Ruler." Their overruling concern was to salvage at least the imperial system from the ruins of national defeat.

The wording of this "threat" is also of interest: "the person of the Emperor could not be guaranteed." The inference from this was a potential menace not to the imperial system but to the present emperor individually. There was already some uncertainty over the degree of protection afforded the imperial system—not the reigning emperor—by the Allies' evasive reply to Japan's qualified acceptance of the Potsdam terms. This particular phrasing of the "threat" therefore could hardly have been more skillfully chosen. It does not raise the difficult question of the fate of the system as such, but confines itself to the fate of the individual, Hirohito, the Shōwa Emperor. It does this, furthermore, at a time when there was a strong segment of official and public opinion in the victorious Allied countries in favor of forcing the Emperor to stand trial before an international tribunal as Japan's foremost "war criminal." The attitude adopted by SCAP on this issue could well have been of critical importance. If speed, secrecy and docile acquiescence in the terms of an American-drawn constitution were the price of the Supreme Commander's favor, the official reaction might very well have been—to use the words of the Imperial Rescript ending the war—"to endure the unendurable and suffer what is insufferable."

The pressures, once applied, are said to have been maintained. Matsumoto reported immediately to Premier Shidehara and thereafter set to work on a revised explanation of the Matsumoto Draft, hoping this might serve for further negotiation. When Shirasu Jirō took this to Headquarters on February 18, he was informed there was no possibility at all of the Matsumoto Draft being considered. More significantly, Mr. Satō says that Shirasu was told at this time that "whether or not there was any intent [among the Japanese] to make progress on the basis of the Headquarters Draft should be demonstrated by the

<sup>4</sup> Mr. Satō is very specific about the wording of this alleged threat, even to the extent of supplying the English phrase "person of the Emperor" in its kana equivalent.

twentieth. If not, the Headquarters Draft would be published."<sup>44</sup> This implies in effect a two-day ultimatum.

It was only at this point, on February 19, that the Japanese cabinet was officially informed of the pending negotiations and the gist of the terms of the MacArthur Draft. Following the cabinet meeting Shidehara himself had an audience with General MacArthur to make quite certain of his current intentions and to ask for an extension of the "ultimatum" to February 22. The premier had a further interview with General MacArthur on February 21 and reported the results to a cabinet meeting on the twenty-second. It was at this meeting that the Japanese Government decided officially that Minister Matsumoto should visit Headquarters that afternoon and "accept the so-called basic principles set forth at the meeting of the thirteenth," as well as explore more fully the subject of "basic form." Matsumoto acted accordingly and returned from an hour and forty minute conference with General Whitney and four of his aides most disappointed that "they had shown practically no inclination to compromise." So on Washington's birthday, the Japanese Government agreed in principle to draft a constitution following closely the terms of the so-called "MacArthur Draft" of February 13, 1946. It was just ten days since the Japanese representatives were first shown the American draft.

Considerations of space preclude detailed analysis here of the terms of the MacArthur Draft compared to those of the several ensuing "Japanese" Drafts.<sup>45</sup> Suffice it to say that it provided for Japan a curious amalgam of the British and American systems of government. The Emperor was stripped of all power, theoretical as well as actual, and left simply as "the symbol of the State and of the unity of the people." The "sovereignty" of the popular will was asserted. A unicameral legislature was created and designated as "the highest organ of state power" and the "sole lawmaking authority of the State." A cabinet on the British model was established and linked to the legislature in normal parliamentary fashion, save for the addition of an ambiguous and potentially troublesome statement vesting plenary "executive power" in the Cabinet. The judiciary chapter was plainly drawn from American experience and vested "the whole judicial power" in "a Supreme Court and in such inferior courts as the Diet may from time to time establish." Article 73 even granted to the Supreme Court final power of judicial review in all cases arising under the civil rights chapter of the Constitution and very extensive powers to review the constitutionality of laws, ordinances and official acts in all other cases. The third chapter embodied what is perhaps the world's most extensive constitutional guarantees of civil rights. Besides all of the normal protections, this extends to freedom of thought and conscience, academic freedom, the essential equality of the sexes, social security, and the right to work. Most unusual of

<sup>44</sup> *Jurisuto*, No. 82, p. 14.

<sup>45</sup> A Japanese text of the MacArthur Draft (in the Foreign Ministry's translation of the original English version) is given in *Jurisuto*, No. 82, pp. 14-18. English and Japanese versions are also available in T. Miyazawa and I. Satō, *op. cit.*, note 13 above, pp. 1-37 of separately paged appendix.

all, however, was Chapter II on the "Renunciation of War." In wording this follows in general the text provided by General MacArthur when he instructed the Government Section to draft a model constitution.<sup>46</sup> By its terms Japan renounced its sovereign right to make war or to use force or threats of force as a means of settling international disputes. Beyond this, it also stated that "no army, navy, air force or other war potential will ever be authorized" or any rights of belligerency conferred upon the State.

This brief statement of major provisions does scant justice to one of the more remarkable constitutional endeavors of our time. Viewed in an abstract and technical sense, there is little that is mechanically wrong or inoperable about the document, despite the jumble of institutions not usually found together. It is a "textbook constitution," such as might be expected from a small group of earnest, well intentioned men having few professional qualifications for their task, even less specialized knowledge of the Japanese political system, and working under intense pressure. In such circumstances it is all too easy for a combination of democratic idealism and concern for short term tactical objectives to overshadow long range considerations and the unpalatable socio-political facts of the situation. Despite protestations to the contrary, this seems to be what happened in SCAP during these hectic early weeks of February 1946. The Government Section patched together an almost ideally democratic constitution, one that could scarcely have gained serious consideration if advocated for adoption in the United States. It had even less relevance to the traditional and dominant political aspirations or practices of Japan.

Events after February 22 continued to move rapidly. In strict secrecy the Japanese began on February 26 to prepare what is known as the First Japanese Government Draft of the Constitution. Under strong pressure from SCAP, this was completed on March 2—nine days earlier than originally scheduled—and delivered to the Government Section at 10 A.M. on March 4.<sup>47</sup> The negotiating session which ensued between Japanese and American representatives lasted with but minor interruptions for thirty hours, until 4 P.M., March 5. During this period the First Japanese Draft and a lengthy explanation of it by Minister Matsumoto were translated into English. Government Section officials then objected to a number of proposed changes from the MacArthur Draft. Resolution of these issues took up the remainder of the night and most of the next day.<sup>48</sup> During this session the Japanese gained SCAP's consent to the

<sup>46</sup> See p. 986, above.

<sup>47</sup> An English translation of this is available in *Political Reorientation*, Vol. 2, pp. 625-30. The original Japanese text is in *Jurisuto*, No. 83, (June 1, 1955) pp. 12-16.

<sup>48</sup> The Japanese representatives seem to have been quite willing to proceed at a more decorous pace, but Mr. Satō claims that they were informed about 6 P.M. on March 4 that General Whitney, with the imminence of the general election in mind, wanted immediate results and was prepared to wait till midnight for a firm draft, and, if this was not long enough, until 6 A.M. Under such pressure, the exhausted Japanese, abandoned after the first half-hour by their leader, Matsumoto—who claimed to be ill—had no choice but to continue through the night. After Matsumoto's early departure, the Japanese seem to have been represented principally, if not entirely, by Shirasu Jirō (confidential secretary to the



substitution of a bicameral for a unicameral national assembly; they got very few other concessions of any significance. The product of this marathon meeting was a third draft, the so-called "Second Japanese Government Draft" or the "Cabinet Draft." The English text was controlling and—save for the substitution of a bicameral legislature—as a whole bears a closer resemblance to the "MacArthur Draft" than to the intermediate "First Japanese Government Draft" of March 2.<sup>49</sup>

The Japanese Cabinet met more or less continuously throughout the day and evening of March 5. As it became available from the meeting at Headquarters, the text of the "Second Japanese Government Draft" was presented to them. It is said that Premier Shidehara and other ministers burst into tears upon reading it.<sup>50</sup> Seeing no practicable alternative, however, they decided to submit it to the Emperor. Premier Shidehara did this at 5 p.m. and the Emperor promptly issued an Imperial Rescript stating that:<sup>51</sup>

It is therefore my desire that the constitution of our Empire be revised drastically upon the basis of the general will of the people and the principle of respect for fundamental human rights. I command hereby the competent authorities of my Government to put forth in conformity with my wish their best efforts towards the accomplishment of this end.

On March 6 the text of this new draft was published in both Japanese and English. General MacArthur immediately made known his strong approval.<sup>52</sup>

It is with a sense of deep satisfaction that I am today able to announce a decision of the Emperor and Government of Japan to submit to the Japanese people a new and enlightened Constitution which has my full approval. This instrument has been drafted after painstaking investigation and frequent conference between members of the Japanese Government and this Headquarters following my initial direction to the Cabinet five months ago. . . .

Some three and a half months later—on June 21, 1946—on the occasion of the submission of the Draft Constitution to the Diet, the Supreme Commander issued another public statement in which he said in part:<sup>53</sup>

. . . The Government Draft now before the Diet is a Japanese document and it is for the

Foreign Minister), Satō Tatsuo (of the Cabinet Bureau of Legislation), and Hasegawa Genkichi and Obata Kunryō (two officials from the Foreign Ministry). At least sixteen officers of the Government Section plus a number of Nisei translators and interpreters were arrayed against this small group. General Whitney appeared only after the work was completed late in the afternoon of March 5 and then only to express his great pleasure at the nature of the results—a sentiment which, as Satō wryly says, was hardly shared by the Japanese. Both he and General MacArthur, however, were in constant indirect communication with the negotiators. They received, and apparently approved of, each article as it emerged from the meeting at the Government Section, as did Minister Matsumoto also. General MacArthur had approved the entire draft by 5:30 p.m., March 5—about the same time as the Emperor did. See Whitney, *op. cit.*, pp. 254–55.

<sup>49</sup> An English version of this draft is printed in *Political Reorientation*, Vol. 2, pp. 631–36. The Japanese text may be found in *Jurisuto*, No. 86 (July, 15 1955), pp. 52–56.

<sup>50</sup> Satō in *Jurisuto*, No. 88 (August 15, 1955), p. 34.

<sup>51</sup> SCAP, *Summation of Non-Military Activities*, March 1946, p. 18.

<sup>52</sup> *Political Reorientation*, Vol. 2, p. 657.

<sup>53</sup> *Ibid.*, p. 660.

people of Japan, acting through their duly elected representatives, to determine its form and content—whether it be adopted, modified or rejected. . . .

The publication of the "Second Japanese Government Draft" on March 6 was the first public intimation that decisive official action in this sphere was imminent. All proceedings until this time had been conducted in the strictest secrecy by both SCAP and the Japanese Government. The U. S. Department of State had not seen the draft constitution before its publication. There is no indication that any other branch of the U. S. government was consulted in any significant manner or shown any of the constitutional drafts.<sup>54</sup> The FEC was completely surprised by the publication of the March 5 Draft.<sup>55</sup> Secretary Byrnes announced on March 12 that the new constitution would be submitted to the FEC before final adoption. Judging from press comments, the Japanese public was equally surprised by this specific development, although a general public discussion of desirable constitutional changes had been going on for several months. Japanese newspaper and political reaction—with the exception of the Communist Party—was in general distinctly favorable. Mixed with this pleasure, however, was a veiled but detectable incredulity that so liberal a document had been the product of the Shidehara Government. The more sophisticated readers were left in little doubt that SCAP's role in its formulation must have been considerably more than advisory and consultative. Mass reaction is more difficult to determine with any accuracy. Among other obstacles, adequate popular comprehension of the draft constitution was impeded by the fact that the March 5 Draft was written in *bungotai*, a technical literary form of the language generally used in official documents but difficult for the average Japanese to understand.<sup>56</sup> A concerted publicity campaign was launched, however, to explain and popularize the March 5 Draft.

For present purposes the remainder of the Constitution's history may be speedily recounted. Following the publication of the March 5 Draft, popular attention centered upon the campaign for the April 10, 1946 general election of members of the House of Representatives. It was SCAP's plan that this should serve in effect as a popular referendum, with the proposed new constitution the principal policy issue at stake.<sup>57</sup> Actually this was not the case. All parties save the Communist approved the draft constitution in principle, but popular interest seems to have focussed primarily on more mundane problems of national and individual livelihood and subsistence, and on the great number of

<sup>54</sup> See Jones, Borton and Pearn, *op. cit.*, p. 341.

<sup>55</sup> See McNelly, *op. cit.*, pp. 226-27.

<sup>56</sup> At SCAP's insistence, the April 17, 1946 and subsequent drafts of the new constitution were written in ordinary Japanese. This occurred after the general election of April 10, however.

<sup>57</sup> It was widely claimed in Washington, D. C. at this time that both the Department of State and the Far Eastern Commission strongly disapproved of this plan and were urging some more specific consultation of Japanese public opinion with respect to the constitution, perhaps in the form of a special constitutional assembly or referendum. See Jones, Borton and Pearn, *op. cit.*, p. 342.

bitter personal and party contests for Diet seats. It is difficult to regard the results as a reliable expression of popular views on the constitution.

On April 15 the Japanese Government submitted what is known as the "Third Japanese Government Draft" to SCAP.<sup>58</sup> The most notable change here was the use of colloquial Japanese rather than the formal *bungotai*, but a number of minor alterations of language and detail were made. SCAP accepted these and the draft was published on April 17. The same day it was submitted to the Privy Council for its scrutiny and approval, a procedure mandatory for all bills of constitutional amendment under the Meiji Constitution. On April 22 the Privy Council commenced its deliberations on the Draft, only to be interrupted on May 24 when the newly constituted Yoshida Cabinet briefly withdrew the Draft to make some minor changes. Resubmitted on May 25, it was approved by the Privy Council—by a less than unanimous vote—on June 8, 1946.

On June 20 a "Fourth Japanese Government Draft," with slightly altered style and terminology, was formally introduced as a bill of constitutional amendment into the House of Representatives at the newly convoked Ninetieth Session of the Imperial Diet.<sup>59</sup> From June 25 to 28 this bill was debated before a plenary session of the lower house. From July 1 to August 21 it was considered by two committees, a Special Committee of 72 members representing the various parties in the House in proportion to their strength, and a smaller 14 member Subcommittee which actually formulated all changes made in the original bill. The amendments so recommended—all accepted by the lower house—involved changes in the Preamble and twenty-two articles of the draft constitution, as well as the deletion of one and the addition of four new articles. A number of minor verbal changes were also made.<sup>60</sup> Throughout, the Government Section was consulted and all proposed changes "were checked with" it.<sup>61</sup> On August 21 hearings before the lower house sitting as a Committee of the Whole were resumed, and on August 24 all changes recommended by the Special Committee were approved and the amended bill was adopted by a vote of 421 to 8. Six of the eight opponents were Communists. The bill was then sent to the House of Peers.

<sup>58</sup> The English text is printed in *Political Reorientation*, Vol. 2, pp. 637-42.

<sup>59</sup> The English text is available *ibid.*, pp. 643-48. Technically this took the form of a bill of total amendment to the Meiji Constitution. To avoid charges of illegality or the occurrence of a constitutional interregnum, SCAP was most insistent that the procedure of amendment specified in Article 73 of the Meiji Constitution be literally followed. Whether in fact it was so followed rests primarily upon whether or not under the Meiji Constitution the Diet had the power to amend an Imperial project of constitutional amendment. Japanese legal authorities are in disagreement on this matter. For SCAP's views, see Dr. Oppler's memorandum to the Government Section, *ibid.*, pp. 662-66.

<sup>60</sup> A list of these changes may be found in Satō Isao, *Kempō Kaisai no Keika* [The Development of Constitutional Revision], Tōkyō, Nippon Hyōronsha, 1947, pp. 349-57. See also McNelly, *op. cit.*, pp. 332-39.

<sup>61</sup> *Political Reorientation*, Vol. 1, p. 111. What degree of positive influence or control was involved in this "checking" is hard to say. The Government Section does not seem to have been displeased with any of the results.

The House of Peers—by this time somewhat reconstituted as a result of SCAP's purge directives—began its consideration of the Bill of Revision on August 26. On August 31 it was sent to a Special Committee of 45 members for more intensive examination. On September 26 it was referred to a 15-member Subcommittee, which on October 3 recommended three amendments. These were accepted by a substantial majority of a plenary session of the House of Peers on October 6, and the amended Bill was returned to the House of Representatives for its concurrence. The lower house gave this on October 7, with only five members (including four Communists) known to have voted against it. The amended Bill was then resubmitted to the Privy Council which accepted the changes on October 29. On November 3, 1946 the Emperor formally promulgated the new "Constitution of Japan (Nihonkoku Kempō)," to take effect six months later on May 3, 1947.

The one-sided votes in both Houses of the Diet give a most misleading impression of the actual course of debate. The reservations and misgivings expressed on the floors of both Houses and in their committees were numerous and grave. Many members evidently did not regard either the Cabinet or themselves as having a completely free choice. In the House of Peers in particular one frequently detects a distinct preference for many of the institutions and practices of the Meiji Constitution. Under the circumstances it is most difficult to assess accurately the true sentiments of the national legislature. Its members were neither ignorant nor insensitive to the considerations of national interest which seem earlier to have determined the views and actions of the Shidehara Cabinet. Japan was under military occupation; SCAP and the Government Section were generally recognized in sophisticated political circles as the real authors of this constitution and its strongest proponents; the Japanese Government was already committed in principle; and the Government could always wield the weapon of dissolution against any large scale opposition in the lower house. Finally, SCAP's very thoroughgoing political purge in the spring and summer of 1946 had drastically affected the national political scene in terms of personnel, organization and attitudes; and the threat of further purges was very real. These were circumstances scarcely calculated to produce in the national legislature a full, free and uninhibited expression of views on so sensitive an issue—particularly at the voting stage. These considerations of course, weighed differently with various parties and individuals. They affected least the socialist and so-called "proletarian" elements which in general strongly and genuinely favored the new constitution. But they bore with particular strength upon the dominant conservative element of the membership, and it is here in particular that the representative quality of the Diet's voting and action is open to question.

While the draft constitution was before the Diet, SCAP's concern continued to be actively asserted. In the words of the Government Section Report: "Consultations were carried on almost continuously, and all proposed amendments were checked with Government Section, but only on one occasion did the Supreme Commander instruct the Japanese Government to take any spe-

cific step."<sup>62</sup> Mr. Satō's account confirms the continuous scrutiny and clearance of amendments by the Government Section and intimates pressure on the Diet to adopt some of them.<sup>63</sup> It is doubtful whether any more explicit orders would have been necessary. With the single exception noted, no order or instruction is known to have been issued to the Japanese Government during the whole process.

The single instance was stimulated by the Far Eastern Commission. When the FEC's committees were organized on March 14, 1946, they found that the Japanese Government had already issued—eight days earlier—a draft constitution which General MacArthur had strongly endorsed in a public statement. The FEC could do little save to adopt on July 2 a policy decision entitled "Basic Principles for a New Japanese Constitution,"<sup>64</sup> substantially identical with the earlier SWNCC-228 of January 7, 1946. The FEC continued to discuss Japanese constitutional reform on a number of occasions throughout the year, often in a context indicating their disapproval of SCAP's course. As a result, several other directives were sent to General MacArthur. These referred primarily to the FEC's determination that it should have a right ultimately to review any new Japanese Constitution, that all cabinet ministers should be civilians, and that a majority of the Ministers of State should be members of the Diet.<sup>65</sup> The last two of these required changes in the text of the draft constitution, which SCAP prevailed upon the Japanese to accept before the new constitution was formally promulgated on November 3, 1946.

In the end, how closely does the new Japanese Constitution resemble the original "MacArthur Draft?" It is difficult to answer that question definitively. Some of the differences between the two documents are so subtle that they do not even appear in a translated version; they rest upon the selection of delicately shaded terms and phrases in Japanese or upon the peculiarities of Japanese grammar. Others continue to be debated in Japanese legal circles, and the experts themselves are undecided as to a proper interpretation of the points at issue. Such subtleties aside, the prevailing impression is the extremely faithful manner in which the terms of the present constitution mirror those of the original Government Section Draft.

The similarity begins with such obvious matters as style, wording and the internal ordering of the chapters and articles. Despite a considerable number of changes of detail in wording, no one reading the two texts could be in doubt that the relationship is very close. This sense of substantial identity in a literary way is heightened—for anyone possessed of some familiarity with the style of Japanese public documents—by the unmistakable alien and American

<sup>62</sup> *Ibid.*

<sup>63</sup> See, for example, *Toki no Hōrei*, No. 178 (Aug. 3, 1955), p. 18, or Satō Isao, *op. cit.*, p. 193.

<sup>64</sup> The text is in *Activities of the Far Eastern Commission, February 26, 1946–July 10, 1947*. Department of State Publication 2888 (Washington, 1947), pp. 65–66.

<sup>65</sup> *Ibid.*, pp. 65–68, and *Political Reorientation* Vol. 1, p. 111 and Vol. 2, pp. 661 and 667–68.

quality of the language in both. This fact alone has occasioned a certain amount of literary anguish among sophisticated Japanese; the style is simply not good Japanese. It was even necessary to invent new ideographic compounds to express certain of the concepts expressed, so foreign were they to Japanese patterns of thought. Beyond this, a study of the allusions and literary sources of the language in the preambles of both drafts is illuminating. A partial listing would include the Declaration of Independence, the Constitution of the United States, the Gettysburg Address, the Atlantic Charter and General MacArthur. No analogous references to the Japanese literary heritage occur.<sup>66</sup> Throughout both versions of the constitution the wording, style and even the punctuation are almost always very similar and, more often than not, substantially identical.

In an institutional sense there are two especially prominent differences between the two drafts. The first and perhaps the most significant is the substitution of a bicameral national legislature for the unicameral body originally favored by the Government Section. This involved, of course, a good deal of corollary adjustment in other related sections. While making some concession to Japanese views in this respect, SCAP still did not endorse the type of bicameral assembly which the Japanese really wanted. Their project had called for an upper house based on the "corporative" and professional elements in society. SCAP rejected this however, in favor of an upper house based essentially on the usual geographic and demographic factors.

The second major institutional change has to do with the Supreme Court and its right to review issues of constitutionality. The "MacArthur Draft" had originally specified that the power of judicial review should be final only with respect to cases arising under or involving the civil rights chapter of the constitution. Rulings on constitutionality in other spheres might be set aside by a two-thirds vote of the entire membership of the Diet. In the course of the all-night negotiations at the Government Section on March 4-5, this wording was discarded in favor of a general and unqualified grant of power to the Supreme Court "to determine the constitutionality of any law, order, regulation or official act." This wording remained through all subsequent versions of the constitution.

A number of other less conspicuous differences appear between the two drafts. The final version contains a stronger and more explicit statement of popular sovereignty. Article 9, the "renunciation of war" clause, has changes in wording, the precise effects of which are still moot. The civil rights chapter, elaborate to begin with, has been even further refined and expanded. Specific clauses have been added requiring that the Premier and a majority of the ministers of state be Diet members, and that the Premier and all ministers must be civilians. The early requirement that the Premier's appointees to cabinet status must receive Diet approval has been deleted, as has an article conferring original jurisdiction in certain cases upon the Supreme Court. A

<sup>66</sup> See McNelly, *op. cit.*, pp. 203-05.

guarantee of universal adult suffrage has been added, and the provisions concerning the financial status of the Imperial House have been strengthened. Finally an explicit statement of the principle of local autonomy has been added. These appear to be the more important substantive changes. Perhaps they sound more impressive than they really are. The changes noted here relate to but a very small fraction of the constitution's 103 articles. The basic concepts, institutions and practices originally conceived by the Government Section and embodied in the so-called "MacArthur Draft" are in almost all cases substantially identical in content, style and wording to the provisions of the present Constitution of Japan.

## V

The essentially American origins of the present Japanese constitution raise questions reaching far beyond the historical concern for setting the record straight. For better or worse, actions were taken that cannot now be undone. Their consequences are of continuing and positive importance and the lessons to be drawn from the entire episode are still clouded with uncertainties.

In the first place, the entire process of clandestine American influence on the style, content and adoption of the Japanese constitution poses in acute fashion the issue of the degree of independence and autonomous power in the political sphere which should be accorded to the military commanders of overseas theatres or occupied areas after hostilities have ceased. Neither the State-War-Navy Coordinating Committee nor any other civilian agency of the Government saw the specific or complete terms of any constitutional drafts prior to their publication on March 6, 1946. Recognizing the American military tradition of freedom of action for theater commanders, and bearing in mind the weakness of the State Department in top councils throughout the war, one still can only marvel at the degree of freedom permitted to or taken by the Supreme Commander in this highly political matter.

It is difficult to conceive of any other single action of the Allied Occupation of Japan comparable in external or internal importance to the formulation of the new constitution. So far as is known the effective support for the quixotic Article 9, the "renunciation of war" section, derived solely from General MacArthur. No other branch of the United States Government and no responsible Japanese ministry or agency is known to have even considered such a clause prior to February 13, 1946. Yet this decision alone has constituted a most serious and continuing impediment to the United States' military and diplomatic world strategy since 1947-48 at least. The responsibility for this would seem—in the light of the present evidence—to rest squarely on the Supreme Commander's shoulders.

Would prior consultation with the Department of State or SWNCC have avoided this outcome? For a complex of reasons the influence of the Department was in eclipse during the war. But it is very hard to imagine the staff of the Department assenting, even in February 1946, to the permanent and constitutional disarmament of Japan. It is equally difficult to conceive of a profes-

sional diplomat imagining that General Whitney's heavy handed "psychological shafts"—which he seemed to confuse with diplomacy—provided an appropriate or durable foundation for a democratic political order in Japan. There is nothing inherent in the administrative nature of a military occupation which renders it impossible to confer some jurisdiction in such fundamental political cases upon the civilian and more professionally qualified branches of the national service.

Our failure to do so in Japan seems to have contributed in an important degree to a second development of continuing concern to American national policy, the growing movement for revision of the "MacArthur Constitution."<sup>87</sup> The so-called "conservative elements" in Japanese politics, which have since the war controlled about two-thirds of the popular vote and of the seats in the national House of Representatives, have never made any secret of their distaste for the present constitution. As the Occupation drew to a close in 1952 and Japan regained her independence, they became increasingly vocal on this score. Since 1952 constitutional revision has been openly advocated by major conservative groups in every general election, and today the Hatoyama Government is engaged in forming a special committee of Diet members and experts to investigate the precise form which revision should take.<sup>88</sup> The newly consolidated Government Party, the Liberal-Democrats, is seriously working for revision of the election law in order, it is widely alleged, to maximize its chances of obtaining more than the two-thirds majorities in both Houses of the Diet required for the initiation of any constitutional amendment.<sup>89</sup>

It remains to be seen whether their losses in the 1956 elections postpone indefinitely the passage of any bill of revision by the Diet. But the constitution further requires a popular referendum on any proposed amendment. At this point the grounds upon which revision is to be presented to the Japanese electorate would become important. The revisionist appeal to the public has been based on multiple grounds, including the claim that the constitution was "made in America" and imposed upon an unwilling Japanese Government by the Occupation authorities, together with nostalgia for a more dignified status for the Emperor. Thus far the Government has used this potentially explosive appeal to nationalistic sentiments with marked circumspection. But the entire constitutional story is so ideally suited to extremist agitation that it may be hard to keep its popular presentation within the moderate bounds the present Japanese Government would probably prefer. The United States may therefore have cause to regret afresh the impulsive actions of its agents in 1946, for the animus of such a campaign must necessarily be anti-American.

<sup>87</sup> For a more detailed account of this, see the present writer's "The Constitution and Current Japanese Politics," in the *Far Eastern Survey*, vol. 25, No. 4 (April 1956), pp. 49-58.

<sup>88</sup> The Socialist Party has formally declared that it will not participate in the work of this Committee, despite the fact that its establishment was specifically authorized by the Diet in early 1956. *The Japan Times*, August 11, 1956.

<sup>89</sup> See, for example, *Mainichi Shimbun* for December 20, 1955, or the *New York Times* for March 20, 1956.



Most serious of all, however, is the damage this constitution may have done to the very cause it was intended to serve—the democratization of Japan. By imposing upon the Japanese a constitution hopelessly unsuited to the political ideals or experience of the vast majority of the population, the long term interests of democracy may have been ill served. Instead of a system of government based upon and geared to the social, economic and political realities of Japanese society, a hollow but elaborate façade modelled after an idealized version of Anglo-American political institutions was hastily patched together. The result is an enormous gap between political fact and constitutional fiction, the true extent of which has been carefully concealed by a variety of devices. This is not to say that real and important changes in what we would regard as a “progressive” direction have not occurred under the new constitution. They have, and the terms of political competition in Japan have been profoundly affected in several ways of lasting significance. But in general the older and more traditional political views and practices not only survived but grew stronger and bolder after a lean and cautious period during the early years of the Occupation. Since their exponents have controlled postwar Japanese governments with but a single brief exception, actual governmental practice has consistently deviated in numerous important respects from what the constitution and its supporting legal system said it should be. This discrepancy has bred a hypocritical attitude towards the constitution and law in general. Inconvenient constitutional provisions have too often tended to become simply a challenge to administrative ingenuity to invent ways of subverting their intent. In this process democratic institutions and the popular regard for them suffer. The revisionist argument is that postwar Japan has been afflicted by too much democracy and that in important respects the traditional institutions, or a modified version of them, are better. The claim is heard with increasing frequency that “we tried democracy and it didn’t work.” The spreading of that attitude holds ominous implications for the future of Japanese democracy. Unfortunately SCAP must bear some share of the blame for this development.

This was certainly not the only conceivable type of constitution for Japan. In retrospect one can only wish that the Japanese, with advice and guidance of a more open and far less compulsive sort, had been permitted to work out their own constitution over a suitable period of time. Its institutions would doubtless have been far less glittering, and the measure of “democratic progress” obtained far more modest; but the probability is that it would have been basically acceptable in both respects. Beyond this, it could not help but have been better attuned to the people’s political capabilities and, because of this, probably a more durable and workable system. At least it would have been demonstrably “made in Japan,” thus freeing the United States of the numerous embarrassments flowing from its unfortunate involvement with this constitutional *ac-couchement forcé*.

## A NOTE ON THE REVISION OF THE CONSTITUTION OF THE FOURTH REPUBLIC

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Recent political developments in France, particularly the dissolution of the National Assembly and the subsequent elections of January 2, 1956, overshadowed one of the most interesting and long-awaited enactments of the second legislature of the Fourth Republic. A law of November 30, 1954, passed by the National Assembly by the required two-thirds majority, realized the revision of the constitution of the Fourth Republic. The law was the culmination of debates that had begun when the new constitution was framed.<sup>1</sup> One might indeed say that constitutional reform was advocated throughout the whole period of the Third Republic, and in 1945 the French people overwhelmingly expressed themselves in favor of a constituent assembly to frame a new republican constitution. Yet when the document was drafted and submitted to the people it was received with great apathy and endorsed on October 13, 1946, by a minority of the registered voters. No sooner had it been put into force than the movement for reform recommenced, and various leaders like DeGaulle, Reynaud, Mendès-France, Laniel and Bidault joined the eminent statesmen of the Third Republic in proclaiming the need for further revision.<sup>2</sup> Perhaps no better evidence testifies to the inherent instability of the French body politic than this perennial dissatisfaction with the basic instrument of government.

The constitutional revision of November 30, 1954, introduced in 1950,<sup>3</sup>

<sup>1</sup> For background material see Roy Pierce's "France Reopens the Constitutional Debate," this REVIEW, June, 1952; Jean Boivin-Champeaux, "Peut-On Réviser la Constitution?" *Revue des Deux Mondes*, April, 1952; George Berlia, "Le Projet de revision constitutionnelle adopté par l'Assemblée Nationale le 23 juillet, 1953," *Revue du Droit Public et de la Science Politique en France et à l'Etranger*, juillet-septembre, 1953, pp. 680-696. For a commentary which, however, deals at length with the procedure for amending the Constitution, see F. Goguel, *Revue Française de la Science Politique*, "La Revision Constitutionnelle de 1954," juillet-septembre, 1955, pp. 485-502. Since writing this I have come across Roy Pierce's "Constitutional Revision in France," *Journal of Politics*, Vol. 17, pp. 221-247 (May, 1955).

<sup>2</sup> The demand for reform became even more pronounced as time went on. In 1953, four Prime Ministers, Designated Reynaud, Mendès-France, Bidault, and Marie, failed to receive the requisite absolute majority after putting the question of constitutional reform and the need of legislation by decree at the forefront of their program. *Année Politique*, 1953, p. 42 and pp. 484-514.

<sup>3</sup> The projected revision, involving eleven articles, was formally agreed upon on November 14, 1950. On November 30, of the same year, the project was introduced in the National Assembly and received a favorable vote, 369 to 181. On January 26, 1951, the bill for constitutional reform with amendments cleared the Council of the Republic by 295 to 17 votes and was subsequently referred to the Committee on Universal Suffrage of the National Assembly. It remained there until July 23, 1953, when it was passed on first reading by the National Assembly by 468 to 127 votes. It then passed the Council of the Republic by 240 to 74 votes. After a number of postponements it reached the floor of the National Assembly again and passed on November 30, 1954.

provides a good insight into the manner in which basic decisions are made in France. The revision fails to incorporate the most needed of the reforms advocated,<sup>4</sup> and almost all the changes made bring France closer to the institutions of the Third Republic that the French people solemnly and overwhelmingly rejected. It is perhaps only an added note of irony that Mendès-France, generally acknowledged to be a political leader breathing reform and reconstruction in every one of his pronouncements, was the Prime Minister who put all the weight of his prestige in favor of the enacted revision when the final vote was taken in the National Assembly.

The reforms advocated ever since the enactment of the constitution of the Fourth Republic were addressed to a wide variety of problems. For the sake of simplicity we may classify them in three main categories: (a) reforms aimed at buttressing the position of the democratic parties in the National Assembly by depriving the two extreme political groups of certain powers and privileges that were either real or had a nuisance value; (b) reforms of more basic character designed to strengthen the political and legislative leadership of the Cabinet and the Prime Minister and to promote Cabinet stability; and (c) reforms addressed to the improvement of the relations between the Council of the Republic and the National Assembly. The following articles were revised: 7, 9, 11, 12, 14, 20, 22, 45, 49, 50, and 52.

#### 1. REFORMS TO WEAKEN EXTREMIST GROUPS

These reforms were designed to strike at both extremes and more particularly the Communist Party. They modify provisions of the Fourth Republic's constitution framed at a time when collaboration with the Communist Party was a political reality and when the RPF or, for that matter, the Poujadist movement, had not yet been founded. Now that these groups, in a familiar pattern, seem ready to use the procedures of democracy to undermine democracy, some modest weapons have been added to the majority's arsenal. Article 7 empowering the National Assembly to declare war after prior consultation with the Council of the Republic, now provides also for the declaration of a state of siege "in accordance with the law." Article 11 is revised to strike out the requirement of proportional representation, which in the past gave an automatic representation to the Communist Party, in the election of the Secretariats of the two assemblies. Instead, the Bureau of each Chamber is to be elected in

<sup>4</sup> The literature on this subject is quite extensive. For background material, see particularly Léon Blum, *La Réforme Gouvernementale* (1919); R. Capitant, *Le Crise du Parlementarisme* (1934); Y. Haikal, *La Dissolution de la Chambre des Députés* (1935). For the period since the adoption of the Constitution of the Fourth Republic, see: Jacques Meyer, "Constitution et Assemblée," *Revue de la Défense Nationale*, décembre, 1951; Boris Mirskine Guetsevitch, "La Revision Constitutionnelle," *Revue Politique et Parlementaire*, décembre, 1951. For one of the parliamentary debates, see: "Proposition de résolution tendant à décider la révision des articles 30, 45, 46, 51, 52 et Titre VI de la Constitution pour assurer la stabilité ministérielle," *Journal Officiel de la République Française—Documents Parlementaires—Assemblée Nationale, Annexe No. 9048*, 3 août, 1954.

accordance with the standing rules of each body.<sup>5</sup> Article 12 formerly provided for one of the most important constitutional duties of the Bureau of the National Assembly by authorizing it to convene Parliament for an extraordinary session upon the request of the Prime Minister or upon the request of one-third of the members of the Assembly. As the article was revised, the calling of an extraordinary session is mandatory only if requested by the Prime Minister or a majority of the members of the National Assembly. In retrospect this revision may prove fortunate since the Communists and the Poujadists together have very close to one-third of the seats, and extraordinary sessions could have been forced upon the Cabinet. Thanks to this revision the Cabinet will be able to count upon brief periods of tranquillity.

Along another line, article 22 is revised in a manner that limits the scope of the immunity of deputies from arrest or prosecution. They will no longer be protected during the period of their mandate, but only during sessions of the Parliament. When Parliament is not in session a deputy may now be prosecuted and arrested. Some guarantees are inserted, however. The arrested deputy can delegate his right to vote until the Parliament has pronounced itself on his immunity; and if Parliament does not make a decision within thirty days the deputy is automatically released. Finally, article 52 is revised so as to allow a Cabinet to stay in office during elections held in consequence of a dissolution of the National Assembly. The old article 52 provided for the replacement of the Prime Minister by the President of the National Assembly and of the Minister of the Interior by a person designated by him in accord with the Bureau of the National Assembly. It further provided that Ministers of State were to come from the various parliamentary groups not represented in the Cabinet. The new article will thus avert the participation of Communist and other extremist groups in the Cabinet during an electoral campaign unless they were already in it.

These revisions give the Assembly power to strike swiftly at the Communist Party and to protect itself against unwelcome harrassments from minority groups that have shown themselves in the past extremely adept in utilizing parliamentary maneuvers in order to undermine the Cabinet.<sup>6</sup> In most cases the reforms also bring the country closer to the institutions of the Third Republic. This is particularly true of the declaration of a state of siege, the limitation of the scope of parliamentary immunity, and the manner of election of the Bureaux.

<sup>5</sup> The Bureau of the National Assembly is composed of one President, six Vice Presidents, fourteen Secretaries, and three questeurs. The functions of the secretaries and the questeurs are purely routine—the counting of votes, the supervision of physical arrangements, etc. The President, however, and the six Vice Presidents preside over the sessions of the Assembly. The new constitutional revision makes it possible to elect the whole Bureau by majority vote and thus exclude members of the two extreme political groups, provided, of course, that the center groups can agree among themselves on a slate.

<sup>6</sup> Immediately after the formation of the Laniel government in June, 1953, and the adjournment of the Parliament, Communists and Socialists demanded an extraordinary

## 2. REFORMS TO STRENGTHEN CABINET LEADERSHIP

Suggestions for strengthening Cabinet leadership and promoting Cabinet stability are as old as the Third Republic. At the risk of oversimplifying, they can be reduced to the following: (a) unqualified right of dissolution; (b) executive budget; (c) priority for government bills and more powers to the Cabinet to control the legislative business of the Parliament; (d) sharp limitations upon the financial and legislative powers of the upper house; and (e) responsibility of the Cabinet only to the lower house. It is a political handicap to these proposals that they are in the nature of a standing invitation to "cross the Channel"—an invitation that no French statesman can accept lightly.

The framers of the Constitution of the Fourth Republic instituted the last two of the advocated reforms by reducing the second Chamber to what was generally considered to be a state of political and legislative impotence. When the Council of the Republic was first convened in 1947, President Auriol told it, without any attempt at being humorous, "If the power of decision belongs to the National Assembly, yours is the power of prudence and wisdom." The only substantial right the Council had was to block or to amend legislation that came to it from the National Assembly by voting against it or amending it by an absolute majority vote, in which case the Assembly could override this vote only by an absolute majority. Given the lack of a cohesive majority in the Assembly and the conservative complexion of the Council, this power proved a stronger weapon than the framers of the Constitution anticipated. In some instances it was abused. On the other hand, article 48 disposed in the most unqualified terms of the matter of Cabinet responsibility. The Ministers "are not responsible before the Council of the Republic." The double political responsibility of the Cabinet under the Third Republic and particularly in the years between the two wars had aggravated Cabinet instability and had imposed upon the Prime Minister an impossible task.

The first three of the reforms advocated in the past, however—the right of dissolution, executive budget and cabinet control over legislative business—were not realized, so that the Constitution of the Fourth Republic in these respects reintroduced in essence the letter or the practice of the Third Republic. In fact two modifications were brought about, one dealing with the manner of designating a Prime Minister (article 45) and the other prohibiting delegation of legislative powers to the Cabinet (article 13), which weakened instead of strengthening Cabinet leadership. The first, by requiring an investiture vote to a Prime Minister by an absolute majority and requiring by implication a second vote of confidence on the Cabinet formed by him, made the choice of a Prime Minister and the formation of a Cabinet difficult, prolonged the duration of crises, and accentuated the conventional character of a Cabinet. In the first

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session for the purpose of discussing some of the economic reforms promulgated by decree. *Annales Politiques*, 1953, p. 61 ff.

legislature, eight out of fifteen political leaders invited by the President of the Republic succeeded in forming a Cabinet that was acceptable to the National Assembly. In the second legislature, only seven out of twenty-four succeeded. Cabinet crises averaged ten days and in some instances lasted over three weeks. The constitutional prohibition of delegation of law-making power to the Cabinet, on the other hand, was ignored. The laws of 1948 and 1953 reintroduced, juridical subtlety to the contrary notwithstanding,<sup>7</sup> the old system of *decrets-lois*; and the ominous expression, *pleins pouvoirs*, or *pouvoirs spéciaux*, gained wide currency once more. Almost every Prime Minister in the second legislature of the Fourth Republic asked for special powers or full powers, and many received them. Yet the controversy about the constitutionality of the procedure embarrassed many a government, brought the fall of others, and led to interminable debates that distracted attention from legislative programs.

It would have been natural, therefore, to expect a constitutional revision to be addressed to the realization of some of the reforms that had not been carried out. There was, in fact, a strong parliamentary movement spearheaded by Paul Reynaud arguing in favor of measures that were designed to strengthen Cabinet leadership. Speaking before the Assembly, Reynaud had urged that the right of dissolution should be given to the Prime Minister so that it could be used if a Cabinet was overthrown at any time within the first eighteen months of office.<sup>8</sup> Writing in 1948, he had also pointed out that

... the instrument of structural and rapid reform (the *decret-loi*) was destroyed by those who were, after the liberation, persuaded to throw overboard the Constitution of 1875.<sup>9</sup>

Yet neither article 51 nor article 13 was included in the revision of November 30, 1954. The right of dissolution remains as hedged and qualified as ever, while the constitutional prohibition in article 13 against delegation of law-making powers to the Cabinet continues. Perhaps it was conceded that Reynaud's argument was no longer pressing, since constitutional practice had already done away with article 13.

Only a piecemeal attempt was made to strengthen the Cabinet. Article 9 is modified so as to re-establish the right of cloture in the National Assembly by the Prime Minister after the Assembly has sat for seven months. This right had been denied him by the Constitution of the Fourth Republic. Article 49 is modified so as to re-establish the old practice of endorsing a new Prime Minister and his Cabinet by a simple majority instead of requiring a double vote of investiture—to the Prime Minister by absolute majority and sub-

<sup>7</sup> G. Gallichon, "Aspects de la Procédure Législative en France," *Revue Française de Science Politique*, No. 4, 1954, pp. 795-809.

<sup>8</sup> *Année Politique*, 1953, pp. 484-490.

<sup>9</sup> *Revue de Paris*, "Juillet, 1948" août, 1948. The revision of articles 13 and 51 was also specifically contemplated by Mendès-France, Bidault, and Marie, who failed to receive the requisite investiture vote and by Laniel, who became Prime Minister in June, 1953.

sequently to the Cabinet.<sup>10</sup> Finally, as noted earlier, in case of dissolution the Prime Minister and the Minister of the Interior are no longer required to be replaced by the President of the Assembly and by a person designated by him. Now they can remain in office to conduct the affairs of government and at the same time campaign, as Edgar Faure did in the last election. Even here, however, a compromise solution is reached, so that in case a Cabinet crisis results from a vote of censure, and dissolution and elections follow, the Prime Minister and the Minister of the Interior will have to be replaced.

It is doubtful that these measures, reviving the practice of the Third Republic, will accomplish much to strengthen the executive. They may facilitate the formation of a Cabinet and may strengthen the President of the Republic by giving him more freedom to select a Prime Minister.<sup>11</sup> But they leave intact the constitutional reasons for Cabinet instability. For instance, an adverse vote on the question of confidence will not count as a "crisis" in the constitutional sense of the word and give the Prime Minister the right of dissolution unless it is by absolute majority. The highly controversial and cumbersome article 51 specifying the conditions under which the right of dissolution can be exercised remains intact. Dissolution cannot take place in the first eighteen months of a Parliament, a provision that may prove very unfortunate in view of the present composition of the National Assembly, and not then unless there are two

<sup>10</sup> Article 45 (Simple Majority for Investiture):

*Old Text*

"(2) (the President of the Council Designate) shall submit to the National Assembly the program and the policy of the Cabinet he intends to constitute."

"(3) The President of the Council and the Ministers may not be appointed until the President of the Council receives a vote of confidence from the National Assembly by public ballot and by an absolute majority of the Deputies, except in case a force majeure shall prevent the National Assembly from meeting."

"(4) The same procedure shall be followed during the term of the legislature in the event of a vacancy caused by death, resignation or any other circumstance, except in the case set forth in Article 52 below."

*New Text*

"(the President of the Council Designate) shall choose the members of his Cabinet and submit the list to the National Assembly; he shall then appear before this body to obtain a vote of confidence on the program and the policy which he intends to pursue, except in case a force majeure shall prevent the National Assembly from meeting."

"The vote shall be taken by public ballot and by a majority of the votes cast."

"The same procedure shall be followed during the term of the legislature in the event of a vacancy of the Presidency of the Council, except in the case set forth in Article 52."

<sup>11</sup> Yet, though the revised article was in force when the Mendés-France government fell in February, 1955, it took twenty days for a new Cabinet to be formed. Pinay, Pflimlin, and Pineau tried in vain before Edgar Faure succeeded. M. Goguel suspects that the effect of the revision will be to transform the abstention votes into votes against a Cabinet.

consecutive "crises" within a period of eighteen months. Efforts to delete the "absolute majority" requirement and replace it with a text according to which a "crisis" occurs whenever a government loses on a question of confidence or is censured by the Assembly met with stubborn resistance from the Communists, the Socialists, and the MRP.

It is equally interesting to note that article 17, allowing private members to initiate expenditures at all times except during the budget debates (which had prompted Reynaud to remark acidly that the deputies could commit follies eleven out of twelve months) has been left intact—thus destroying all hopes for the institutionalization of an "executive budget." Furthermore, no consideration was given to the possibility of limiting by constitutional amendment the many dilatory parliamentary devices that paralyze debate on the floor of the Assembly and place the Cabinet either on a footing of equality with private members or at the mercy of the National Assembly. For instance, the right of private members to initiate legislation remains unqualified, with the result that the legislative process is clogged with thousands of bills only a few of which become laws.<sup>12</sup> Government legislative business is hardly ever given priority, and the order of the day is decided in the Assembly by the Conference of the Presidents in a manner that attempts to balance the demands of individual members, parliamentary groups, committees, and the government. Even the decisions of this body, however, can be and are challenged and the order of the day modified frequently by the National Assembly. Above all, interpellations—the device that allows any member to take potshots at the Cabinet—continue to consume the time and energy of the Cabinet and the legislators. No way to restrain them has yet been found, and as long as the device is allowed free rein, the stability and the life of the Cabinet are in constant jeopardy. So it is legitimate to conclude that the most basic institutional factors that accounted for Cabinet instability remain intact.

### 3. REFORMS IN THE RELATIONS BETWEEN THE TWO CHAMBERS

If the constitutional revision did not improve the position of the Cabinet, it dealt what may well prove to be a heavy blow at the most significant reform of the Constitution of the Fourth Republic, namely, the severe limitations imposed upon the Council of the Republic as a legislative body. This was the result of the revision of articles 14 and 20.<sup>13</sup> Article 14 had prohibited the Council

<sup>12</sup> See D. W. D. Lidderdale, *The Parliament of France*, 1951.

<sup>13</sup> The old and new texts of articles 14 and 20 follow:

#### *Article 14 (Introduction of Bills)*

##### *Old Text*

"(2) Bills introduced by members of the National Assembly shall be filed with its Secretariat."

##### *New Text*

"Bills are filed with the Secretariat of the National Assembly or the Secretariat of the Council of the Republic. However, bills tending to authorize the ratification of the treaties provided for in Article 27, budgetary or financial bills and bills resulting



of the Republic from debating any bills presented by its members. Bills could be introduced but were to be transmitted automatically to the National Assembly without debate. Article 20 provided that the Council of the Republic should give its opinion "at the latest two months after a bill had been transmitted by the National Assembly" and imposed stringent time limits for budgetary bills and bills passed in the Assembly on an urgency motion. In both these cases the Council was required to decide within the same limit of time as that specified for the National Assembly by the standing orders of the Assembly. If amendments were introduced by the Council, they could be "rejected or accepted in whole or in part" by the National Assembly. If the amendments had been carried by an absolute majority vote in the Council,

in the reduction of revenues or the creation of new expenditures must be filed with the Secretariat of the National Assembly."

"3) Bills introduced by members of the Council of the Republic shall be filed with its Secretariat and sent without debate to the Secretariat of the National Assembly. They shall not be admissible if they might result in the reduction of revenues or the creation of new expenditures."

"Bills introduced by members of Parliament are filed with the Secretariat of the Chamber to which the latter belong and sent, after adoption, to the other Chamber. Bills introduced by members of the Council of the Republic are not admissible if they might result in the reduction of revenues or the creation of new expenditures."

*Article 20 (Powers of the Council of the Republic)*

*Old Text*

"1) The Council of the Republic shall examine, in order to give its opinion thereon, the bills passed on first reading by the National Assembly."

"2) It shall give its opinion not more than two months after receipt of each bill sent it by the National Assembly. When the Budget Law shall be under discussion, this period may be reduced, if need be, to the time taken by the National Assembly for its consideration and vote. When the National Assembly shall have adopted a rule for emergency procedure, the Council of the Republic shall give its opinion within the same period of time as that provided for debate in the National Assembly by the rule of that body. The time limits specified in the present Article shall be suspended during recesses of the session. They may be extended by a decision of the National Assembly."

*New Text*

"All bills shall be examined successively by both Chambers of Parliament, in view of securing the adoption of an identical text."

"Unless it has examined the bill on first reading, the Council of the Republic shall pronounce itself not more than two months after receipt of the text adopted on first reading by the National Assembly. Each of the two Assemblies shall, if necessary, continue to examine the bill until an agreement has been reached. The text shall then be promulgated in accordance with the procedure set forth in Article 36. Should no agreement be reached within a period of one hundred days reckoning from the day on which the bill has been submitted by the National Assembly to the Council of the Republic for a second reading, the last text adopted by the National Assembly shall be considered to be definite and ready for promulgation."

*(Footnote continued on next page)*

they could not be rejected by the Assembly "in whole or in part" except by an absolute majority also.

Though the purpose of this article was to reduce the legislative powers of the upper house, it led to many awkward situations. Very often bills were passed in the National Assembly by the use of urgency motions and were transmitted to the Council of the Republic without allowing it adequate time to consider the measures. Also, the provision that the National Assembly could reject Council amendments "in whole or in part" was literally construed to mean that no wording could be changed or sentence redrafted. The Assembly actually rejected amendments "in part" (the rejection of an amendment "in whole" raised no difficulties) by deleting words without being empowered to add new ones, by cutting sections and sentences without being allowed to insert a new sentence, a new word, a period or comma. This created technical problems of draftsmanship to which even the elegance and flexibility of the French language could provide no answer. Finally, the constitutional prohibition against having bills introduced and debated on first reading in the Council of the Republic deprived the government of a time-saving device and clogged the legislative process beyond hope in the last months of the session, particularly in December when the budget is introduced and debated but hardly ever passed.

The new articles 14 and 20 introduce substantial modifications. Article 14 now permits the Cabinet and the members of the Council of the Republic to introduce bills in the Council and debate them there before they are forwarded to the National Assembly. Treaties, the budget, and bills involving a diminution of revenue or the creation of expenditure, however, must be introduced in the Assembly. Bills providing for increase of revenue, on the other hand, may

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"3) Should the opinion of the Council of the Republic be in agreement with that of the National Assembly or should it not have been given within the time limits specified in the preceding paragraph, the law shall be promulgated in the text as voted by the National Assembly."

"With regard to budgetary texts and financial laws, this period shall not exceed the time previously taken by the National Assembly for its consideration and vote."

"4) Should the opinion of the Council of the Republic not be in agreement with that of the National Assembly, the latter body shall examine the bill on second reading. It shall dispose definitively and absolutely of the amendments proposed by the Council of the Republic, accepting or rejecting them in whole or in part. Should these amendments be totally or partially rejected, the second reading of the bill shall be voted upon by public ballot and by an absolute majority of the members of the National Assembly whenever the vote on the whole bill has been taken under the same conditions by the Council of the Republic."

"Should the National Assembly adopt a rule of urgent procedure, the time limit shall be double that provided for debate in the National Assembly by the rule of that body."

"5) The time limits set forth in the present Article shall be suspended during recesses. They may be extended by a decision of the National Assembly."

now be introduced before the Council. The new article 20 provides that in case bills and amendments emanating from one body are unacceptable to the other, they will be considered "successively" by the two Chambers in order to arrive at the adoption of an identical text. This reintroduces the famous *navette* of the Third Republic, a practice by which a bill was shuffled back and forth between the two Chambers until an agreement upon an identical text was reached. The same article gives to the Assembly the right in considering an amendment emanating from the Council of the Republic to modify it in any manner it wishes by rejecting parts of it, rewriting others, and inserting counter-proposals. This, it is hoped, will facilitate compromise and at the same time save the French language. The Council is required to examine a bill emanating from the National Assembly within a period of two months after the date it receives it, and in case of failure to do so the bill becomes law. For budgetary bills and bills passed by the National Assembly on an urgency motion, however, the time limits within which the Council must act are equal to the time devoted by the Assembly in the case of budgetary bills and twice as long in the case of bills passed upon an urgency motion.

In case no accord is reached between the two Chambers on an identical text within one hundred days, the National Assembly has the final word by deciding upon its own text or by incorporating any particular amendments of the Council of the Republic. The time limit of one hundred days counts from the moment a bill has been sent to the Council for second reading. In case no accord is reached on budgetary bills or bills passed on an urgency motion within one month and fifteen days, respectively, the National Assembly has the last word and may vote the definitive text. Finally, the time limits provided do not include parliamentary recesses.

It is quite clear that the revision of the two articles provides for a compromise solution between some of the more obvious shortcomings of articles 14 and 20 and the desire to maintain the superior position of the National Assembly. The *navette* is back again, but the National Assembly has the last word and can override the Council of the Republic, and as a result considerable time may be saved. Narrow time limits give to the National Assembly the power to decide definitively on budgetary and financial matters and to override the Council of the Republic. The urgency motion, if agreed upon by the National Assembly, is an additional club that can be used to arouse the Senators from their reflective mood. Finally, the Council of the Republic loses its strongest weapon—that of rejecting a bill by absolute majority and thus blocking legislation unless the National Assembly could muster a similar majority in order to override the senatorial veto.<sup>14</sup>

On the other hand, the Council of the Republic gains through the *navette*

<sup>14</sup> "The absolute majority rule, instead of being exceptional, has been frequently invoked: nearly a tenth of all the bills passed in the 1946-51 legislature were amended or rejected in the Council by an absolute majority." Philip Williams, *Politics in Post-War France*, p. 283. Some of these bills, the author adds rightly, were of "first-class importance."

strong delaying powers<sup>16</sup> that may well prove to be, in the long run, formidable. Unless an agreement is reached, the Council of the Republic can hold up legislation for a hundred days. But this time limit does not include recesses, counts only after a bill has been forwarded to the Council of the Republic for second reading, and does not extend from one session to another. Since a session cannot, as a rule, be longer than 210 days while there are actually not more than 180 legislative days for the National Assembly, and since this latter body is not particularly known for its expedition in legislative matters, the delaying powers of the Council may indeed prove insurmountable.

The powers of the Council of the Republic are increased in many other respects. The Senators can now introduce bills and debate them; they are given the right, previously denied, to propose revenue increases; their committees have the right to examine these bills and in so doing to invite Ministers to give explanations and to answer questions. Is it not natural to expect that they will attempt to use these powers in order to regain lost prerogatives? They can do so in many ways. Given the lack of homogeneous majorities in the National Assembly, they can use their new powers in order to negotiate with the Cabinet. A Cabinet determined, on the other hand, to resist the Council may find its ever tenuous majority in the Assembly weakened. If so, is it not logical to expect that the Senators will demand as a condition of their cooperation more seats in the Cabinet upon which they have been casting longing glances?<sup>17</sup> The next step, though constitutionally prohibited, is equally unavoidable. Despite the fact that the Cabinet is constitutionally responsible only before the Assembly, is it not likely that opposition to any given government in the National Assembly may be strengthened, or its downfall assured, depending upon the attitude of the Council to its legislative program?

These questions are not purely speculative. They are supported by the evolution of the Council. Ever since 1948 this body has assumed a number of powers that the framers of the Constitution expressly desired to deny it. It forced the National Assembly to revise its standing orders and limit the use of the urgency procedure so that it might be given more time to deliberate on the bills forwarded to it; it participated actively in legislation that dealt with serious matters of policy and was able to force the hand of the Assembly on a number of issues. For instance, it prevented the liberalization of the colonial franchise; it modified a bill restoring collective bargaining, making it less favorable to the trade unions; it blocked the sliding-scale wage legislation proposed in 1950; it inserted new texts in the budget and suggested important modifications of financial policies; it introduced the system of "oral questions with answers" that resembles in all but name the interpellations used in the past by the Senate; it pressed for membership in the Cabinet and saw a growing number of its members participate in it. Slowly and not imperceptibly the Senators have been regaining not only their title but also the political prerogatives they had lost.

<sup>16</sup> Jacques Fauvet in *Le Monde*, December 1, 1954.

<sup>17</sup> The Cabinet of Guy Mollet, for example, includes the highest number of Senators—eight—of whom one is a Minister and the others are Secretaries of State.

These trends must be related to the political composition of the Council of the Republic. Ever since 1948 it has been more than the body of reflection—it has been a body of conservative opposition. Given the system by which the Senators are elected they overwhelmingly represent rural France. They represent, in other words, the interests of the farmer and of the powerful agricultural pressure groups that have been traditionally in favor of the status quo. The composition of the Council appears, in fact, to be today a political counterweight to the National Assembly. There are only 14 Communist Party members, 53 Socialists, and 21 members of the MRP out of a total of 320. Two-thirds of its membership is composed of Centrists, Moderates, Independents, and ex-Gaullists. It is doubtful that the Council of the Republic will have more patience with a Leftist Cabinet than the Senate had with Léon Blum. It is, on the contrary, very likely that it will use all its powers to attempt to bring about a Rightist orientation in the composition of the Cabinet. In fact, this is even more likely because a Cabinet will have to rely upon the Council in order to protect its legislative program against dissident groups in the Assembly.<sup>17</sup> The Council may oblige, but not without conditions; and its ability to impose conditions will be based upon the logic that contractual relations, so typical of French politics, imply—namely, the right to participate in the Cabinet<sup>18</sup> and to withdraw support if the conditions are not fulfilled. In this manner the ghost of the old Senate may yet return to taunt the framers of the Constitution of the Fourth Republic.

<sup>17</sup> For instance, the sliding wage scale was "blocked" by the Council in 1950, with the full knowledge and the cooperation of the Cabinet. In December, 1947, and in August, 1948, the Council restored to the form desired by the Cabinet two bills of major importance. Philip Williams, *Politics in Post-War France*.

<sup>18</sup> This was clearly illustrated in the case of the Bidault Cabinet which almost had its *loi de finances* defeated by an absolute majority at the hands of the Council. To avert the recurrence of the same situation, Bidault promptly invited the leader of the Radical Senators to join his Cabinet. *Ibid.*, p. 281.

# THE STATE DELEGATIONS AND THE STRUCTURE OF PARTY VOTING IN THE UNITED STATES HOUSE OF REPRESENTATIVES

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Recent controversies over the degree of responsibility displayed by American parties have underscored at least one feature of voting in the Congress. Whatever the merits of the contending interpretations and demands, the facts adduced on both sides suggest relatively fluid, unstructured voting patterns, especially in the House of Representatives. Although the party label is clearly the single most reliable indicator of congressional voting behavior,<sup>1</sup> it is admittedly somewhat less than perfect. The individual Representative may fairly often dissent from the views of most of his party colleagues, not only on matters of local or minor significance but also on issues of national or even global import.

The Representative's "independence" is most commonly, and in a good many instances accurately, ascribed to peculiarities of his constituency which generate demands for a non-conforming vote or, perhaps more frequently, are expected to be the source of recriminations and penalties if he does not display independence of his party colleagues on certain types of issues. But the Member of Congress is by no means always able to predict the electoral consequences of his choices even though he is sure that they may produce repercussions in his district. This unpredictability contributes to the unstructured character of his position. The political intelligence supplied by interest groups and individual petitioners and advisers, valuable though it may be in helping to resolve doubts, is neither so complete nor so accurate as to eliminate the uncertainties and risks associated with the Representative's response to a call for the "Yeas and Nays."

To the ambiguities of the cues the legislator receives from or perceives in his constituency may be added doubts concerning the preferences and intentions of the formal party leadership on any given vote. On those matters in which the leaders are genuinely interested, means are available for communicating the "party" position to the rank and file and even, after a fashion, for enforcing it. But on a number of votes the ordinary Representative, especially if he is a relatively junior member of the House, has no notion of how the party leaders want him to vote.<sup>2</sup> The reasons for this state of affairs may range from a prudent non-feasance to, rarely, a deliberate abdication by the leadership. The stable requirements of the party leader's role in the House may impose this occasional lack of guidance, or it may merely reflect the personality charac-

<sup>1</sup> Julius Turner, *Party and Constituency: Pressures on Congress* (Baltimore, 1951).

<sup>2</sup> These statements are based on a number of interviews with Members of Congress from both parties, conducted during March, 1956. They do not reflect a systematic sampling. Confidence in them rests rather upon the consistency with which these views were reported.

teristics of the man occupying the role. But, whatever the precise causes, the fact of uncertainty on the part of the rank and file is unmistakable.

In the absence of well-defined, institutionalized, and continuously operative cue-giving mechanisms within the legislative party, one would anticipate that a variety of informal, only partly conscious, but not entirely haphazard devices would be employed by Representatives in arriving at their voting decisions. Moreover, within a body as large as the House or one of the parties in the House these substitute sources of voting-cues would be expected to grow up around familiar associations and relationships serving alternative functions. These would include personal friendships not necessarily political in character, relations of confidence developed through joint service on legislative committees, and even contacts created by the proximity of offices or residences in Washington. They would certainly include the almost ready-made relationships within the state party delegation.

Under certain fairly obvious conditions, voting agreement within the state party delegations is likely to be high. The issues in a given set of roll calls may be of particular importance to organized state-wide interests. They may be of special concern to more localized interests strategically associated with the party organization. Similar voting behavior within the delegation may reflect a tendency of the state party to elect members of Congress from districts roughly similar in socio-economic composition. If the legislative party splits into two opposing regional wings on certain kinds of issues, high intra-state agreement would accompany increased regional solidarity in the House. Finally, if the voting within the legislative party of the House approaches unanimity, it must also do so within most state delegations.

In addition, however, it seems likely that the delegation as a group affects the voting decisions of its members and, under appropriate circumstances, produces marked agreement among them. Some of the factors mentioned in the preceding paragraph, added to the intra-delegation relationships arising from joint concern with matters of legislative party organization or from purely social considerations, make it easy and natural for members of a delegation to consult one another on a variety of legislative questions. The delegation thus tends to constitute a communication structure whose repeated use results in a heightened consensus and similarity of voting among its members. In short, the state party delegation in the House may be a significant alternative cue-giving mechanism within the legislative party, especially on matters whose political implications are ambiguous. Uncertainty is misery and misery loves company.

# I

An opportunity to examine the degree of voting agreement within the state party delegations and some of the conditions of such agreement in a single Congress occurred in connection with a larger study of party voting in the House and Senate in the Eighty-First Congress (1949-50).<sup>3</sup> The basic data are the

<sup>3</sup> The study of party leadership in the Congress, of which this report is part, was made possible by a grant to Columbia University from the Carnegie Corporation of New York.

number of agreements between pairs of Representatives within the two parties on selected roll calls of this Congress. The material suffers from the limitations inherent in a case study, but three features of the procedure somewhat reduce these by introducing elements of recurrence into the analysis. First, comparisons between the two parties are permitted, since they are analyzed independently. Second, limited comparisons in series are possible because the two sessions of the Eighty-First Congress are treated as units rather than jointly. Third, agreements can be compared at three levels of unity within each of the parties, since the roll calls were selected by ranking them according to the Rice Index of Cohesion and choosing them in sets in ascending order of cohesion. This technique produced for each party a set of relatively high and a set of relatively low cohesion votes in the second session and a single set of intermediate cohesiveness in the first session.<sup>4</sup>

There are 74 roll calls in the sets of each party in the first session and in each of the low-cohesion sets of the second. The high-cohesion sets of the second session include 66 Republican votes and 62 Democratic votes. All votes were considered for inclusion except those on private bills and those on which the party was unanimous (cohesion indexes of 100). The characteristics of the cohesion indexes of the selected sets are given in Table I.

In order to simplify the analysis, ten Republican delegations and thirteen Democratic delegations were selected, representing various regions of the country.<sup>5</sup> For each of the three sets of roll calls the number of agreements between each member of these state delegations and each other member of the same party in the House was computed and tallied by machine procedures, and

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<sup>4</sup> The number and size of the sets was dictated by the number of roll call votes with cohesion indexes of less than 100 in each of the sessions and by restrictions in the chosen procedure for IBM machine computation, which permitted analysis at one time of not more than and, for reasons of efficiency, not appreciably less than 74 votes. These procedures were adopted for the major purpose of a modified Rice-Beyle bloc analysis of the two party groups which would locate the formal party leadership in the voting structure and permit inferences concerning leadership roles. For the basic procedure see Stuart A. Rice, *Quantitative Methods in Politics* (New York, 1928), ch. 16, and Herman C. Beyle, *Identification and Analysis of Attribute-Cluster Blocs* (Chicago, 1931).

<sup>5</sup> The largest state party delegation was chosen from each of eight regions if it amounted to at least three men, and the second largest party delegation if it amounted to more than three. In addition, one extra Democratic delegation was selected from the South (Alabama) and one extra Republican delegation from the East North Central region (Wisconsin). The regions used were New England, Middle Atlantic, East North Central, West North Central, Border, South, Mountain, and Pacific. No Republican delegations qualified from the Border, South, and Mountain states. The states selected were, for the Republicans: Massachusetts, New York, Pennsylvania, Michigan, Illinois, Wisconsin, Iowa, Kansas, Oregon, and California; for the Democrats: Massachusetts, New York, Pennsylvania, Ohio, Illinois, Minnesota, Missouri, Oklahoma, North Carolina, Alabama, Texas, Colorado, and California.



TABLE I. DISTRIBUTION OF COHESION INDEXES ON SIX SELECTED SETS OF ROLL CALLS, HOUSE OF REPRESENTATIVES, 81ST CONGRESS

	Republican	Democratic
<i>First Session</i>		
Intermediate-Cohesion Set		
Number of Roll Calls	74	74
Range of Indexes	2.2-87.6	0.4-88.4
Mean of Indexes	51.01	47.6
Median of Indexes	57.05	47.45
<i>Second Session</i>		
High-Cohesion Set		
Number of Roll Calls	66	62
Range of Indexes	73.0-98.7	68.6-99.2
Mean of Indexes	88.5	86.5
Median of Indexes	87.95	89.3
Low-Cohesion Set		
Number of Roll Calls	74	74
Range of Indexes	2.3-73.0	0.0-67.4
Mean of Indexes	43.08	33.3
Median of Indexes	45.05	34.6

the resulting scores for each man were ranked in descending order.<sup>6</sup> So arranged, the data show, for example, that on the 74 votes of the first session Representative Bolling agreed with his Missouri colleague, Representative Karsten, on 70, while he agreed with Representative McCormack of Massachusetts on 57 and with Representative Grant of Alabama on only 38. In developing the bloc matrices for these sets of roll calls in the larger study, agreements on fewer than 50 per cent plus one of the votes were ignored. (That is, in the sets of 74 votes, fewer than 38 agreements were not tallied.) This was done in order to keep the analysis within reasonably manageable bounds and to maximize the clarity of the resulting structure. The effect of using the same convention here is to increase the significance of any positive findings. For example, this procedure would ignore the agreements of a New York City representative who spent so much time in Manhattan and was so indifferent about inserting in the *Record* an indication of how he would have voted that he was recorded as agreeing with no member of his party on as many as 38 of the 74 roll calls in the first session. Though he might have indicated his voting preference on 35 roll calls and agreed with seven other New Yorkers on all 35, he would have been treated as

\* "Agreements," as used here, include more than actual votes. Any declared position officially recorded in the permanent edition of the *Congressional Record* was included along with the "yeas and nays." Thus a Representative who voted "nay" on a roll call and one who was paired or announced against would be counted as in agreement on that vote. "Absences" thus cover all unrecorded preferences, including general pairs in which neither partner announces his position.

if he had not voted at all. Had it been feasible to include such votes in the analysis, the cohesion of such a state delegation would come out higher.

In order to arrive at a rough preliminary indication of the incidence of intra-state agreements and of the relative cohesiveness of the several delegations, it was necessary to determine how nearly the number of agreements within a state delegation approached the number theoretically possible if the group were perfectly cohesive. The first step was to list, for each member of each selected delegation, the number of scores, beginning with the highest, equal to one less than the number of legislators in the delegation. For instance, there were four men in the Democratic delegation from Minnesota, so the three highest scores of each were listed. Representative Wier's three highest agreements on the roll calls of the first session were with Representatives McCarthy of Minnesota, Blatnik of Minnesota, and Jacobs of Indiana. He thus had two intra-delegation scores among his top three. The same procedure was pursued for the other three men in the delegation, and the number of these intra-state scores in the delegation was then totaled for each of the three sets of roll calls. (In counting those from the state, two or more tie scores in the lowest position were counted as only one.) Since the number of scores with others in the same delegation for a perfectly cohesive group would be equal to the number in the delegation times one less than that number, the ratio of the actual number of scores to this theoretically possible number is not only an indicator of the frequency of intra-state agreements but also a rough measure of the group's cohesion.<sup>7</sup> Thus, referring again to the Minnesota Democrats, if the group were perfectly cohesive, the three top scores of each of the four men would be with his three state colleagues, a total of 12 scores. In the first session the actual total of such scores was three, or 25 per cent of the theoretically possible figure. These percentages for all thirteen of the Democratic delegations on the three sets of roll calls are listed in Table II.

Given the variety of factors which might affect the votes of a state party delegation, one would not expect to find perfect consistency in a set of results such as these. Yet a sufficiently stable pattern emerges from the data to provide a reasonably firm basis for speculation and cautious inference. Although there is a good deal of variation from one delegation to another, the ratios in Table II are high enough to give some support to the proposition that the state delegation is an element in the voting process. (It is well, of course, that these ratios fall considerably short of 100 per cent since, if the latter condition existed, it would almost certainly reflect a condition of party disintegration or chaos in

<sup>7</sup> The formula for the number of possible pairs of items in a group of  $N$  size,  $N(N-1)/2$ , cannot be used in this case because of the wide discrepancies possible between the top scores of two men in a delegation. For example, in a delegation of ten one would be interested in the first nine scores of each man in the group. If, on 74 votes, the top score of man *A* is with man *B* of the same delegation and they vote the same way on 45 of the roll calls and if man *B*'s ninth score is 55, *A* will not appear among *B*'s intra-state agreements, although *B*'s name will appear on *A*'s list.

TABLE II. RATIOS OF ACTUAL TO POSSIBLE AGREEMENT SCORES WITHIN SELECTED STATE DEMOCRATIC DELEGATIONS TO THE HOUSE OF REPRESENTATIVES, 81ST CONGRESS

State	First Session	Second Session	
	Intermediate Cohesion, 74 Roll Calls (%)	Low Cohesion, 75 Roll Calls (%)	High Cohesion, 62 Roll Calls (%)
Alabama	36.1	18.1	11.1
California	7.8	24.5	4.5
Colorado	33.3	33.3	16.7
Illinois	24.2	24.5	12.7
Massachusetts	6.7	6.7	3.3
Minnesota	25.0	0.0	0.0
Missouri	34.8	15.9	22.7
New York	10.7	26.1	10.9
North Carolina	7.6	7.3	10.0
Ohio	6.8	15.2	4.5
Oklahoma	23.2	37.5	1.8
Pennsylvania	11.0	26.7	15.2
Texas	30.0	26.6	13.5
13 states	18.0	23.1	11.5

the House and in the country, with each state's representatives functioning as ambassadors to, rather than officials of, a national government.)

More impressive than the incidence of these intra-state agreements, however, or the variations among the delegations, is the pattern indicated by the composite ratios in the bottom line of Table II.<sup>8</sup> These strongly suggest an inverse correlation between the degree of cohesion within the party and that within the state delegations. Again, examination of the figures for each of the state groups reveals that the pattern does not hold for all, yet for twelve of the thirteen delegations, North Carolina being the only exception, the ratios are highest in one of the two sets of votes characterized by relatively low party cohesion. (Note that the mean of the cohesion indexes of the "intermediate cohesion" votes—Table I, above—was nearer that of the low-cohesion set than that of the high-cohesion set.) And in eight of the thirteen delegations the intra-state agreements are highest in the set of votes with the lowest cohesion among the Democrats as a whole, the low-cohesion set of the second session. (The exceptions, in addition to North Carolina, are Alabama, Minnesota, Missouri, and Texas.)

Before attempting to analyze the circumstances of low party cohesion that might account for this pattern it is appropriate to examine the corresponding

<sup>8</sup> These figures are based on the sum of the actual agreement scores in the thirteen delegations divided by the sum of the theoretically possible scores.

data for the Republican delegations, for if the same inference cannot be drawn from the votes of the other party, the pattern loses much of its interest and significance. Then one would be forced to conclude that the substance of the particular Democratic votes was responsible for the distribution. But if the pattern holds for both parties, one may legitimately look for more general explanatory factors.<sup>9</sup>

As the figures in Table III reveal, the general tendency noted in connection with the Democratic voting seems to apply equally to the selected Republican delegations. In nine of the ten cases, Oregon being the exception, intra-state agreements occur most frequently in one of two low-cohesion sets. In five of the

TABLE III. RATIOS OF ACTUAL TO POSSIBLE AGREEMENT SCORES WITHIN SELECTED STATE REPUBLICAN DELEGATIONS TO THE HOUSE OF REPRESENTATIVES, 81ST CONGRESS

State	First Session	Second Session	
	Intermediate Cohesion, 74 Roll Calls (%)	Low - Cohesion, 74 Roll Calls (%)	High Cohesion, 66 Roll Calls (%)
California	15.4	25.0	12.1
Illinois	18.1	15.4	12.8
Iowa	21.4	46.4	1.8
Kansas	26.7	16.7	3.3
Massachusetts	28.6	33.9	12.5
Michigan	15.2	10.6	10.6
New York	7.9	18.9	10.3
Oregon	0.0	0.0	8.3
Pennsylvania	23.5	23.2	16.7
Wisconsin	14.3	23.2	3.6
Ten states	16.1	21.0	11.6

ten, moreover, the highest intra-state score occurs on those votes on which the party is most sharply divided. (The exceptions, besides Oregon, are Illinois, Kansas, Michigan, and Pennsylvania. In some of these, especially the last, the difference between the first-session set and the low-cohesion set of the second session is slight.)

When the composite delegation ratios for both parties are arrayed against the

<sup>9</sup> In this connection it is important to bear in mind that the three sets of Democratic votes and the equivalent Republican ones are not identical, since the issues which divide the one party are not necessarily those which split the other. In the first session set 50 roll calls appear among the 74 votes of both parties. In the low-cohesion sets of the second session the overlap is 43 out of 74 and in the high-cohesion sets it is 29 out of 66 Republican and 62 Democratic votes. It is also true, of course, that, even if a vote appears in the equivalent set in both parties, it may occur at the upper end of the distribution in one and at the lower end in the other.

TABLE IV. REDUCED PARTY COHESION ACCENTUATES THE COHESION OF STATE DELEGATIONS:  
 MEDIAN INDEXES OF COHESION AND COMPOSITE RATIOS OF ACTUAL TO POSSIBLE  
 INTRA-DELEGATION AGREEMENT SCORES ON SIX SETS OF ROLL CALLS, HOUSE  
 OF REPRESENTATIVES, 81ST CONGRESS

Party and Set .	Median Index of Cohesion	Composite Ratios
		Democrats: 13 delegations Republicans: • 10 delegations
Democrats, 81:2, low-cohesion set.	34.6	23.1
Republicans, 81:2, low-cohesion set	45.05	21.0
Democrats, 81:1, intermediate set	47.45	18.0
Republicans, 81:1, intermediate set	57.05	16.1
Republicans, 81:2, high-cohesion set	87.95	11.6
Democrats, 81:2, high-cohesion set	89.3	11.5

median index of cohesion for each set of roll calls, as in Table IV, the strength and consistency of the general pattern appears with striking clarity. What this seems to reveal is that a property of lowered cohesion of the legislative party is not merely bi-polarization of the larger group but a fractionation of the party, or a tendency in that direction, out of which the state delegations emerge as one of the elements of residual significance. Clearly they are not the only such elements, nor would one expect them to be. The considerable variations among the states in Tables II and III suggest the influence of factors other than delegation ties. Moreover, the relatively low ratios, even for comparatively cohesive groups such as the Missouri Democrats or the Massachusetts Republicans, testify to the less-than-complete dominance of the state grouping. Yet, pending further analysis, the fact seems tentatively established that the issues which most sharply divide the legislative party in the House of Representatives do not set up comparable cleavages within the state delegations, with the result that the cohesiveness of the latter tends to rise as that of the party declines.

## II

Despite the uniformities just noted, one would be incautious indeed, considering the crudity of these data, not to entertain the possibility that the differences revealed here may be due largely to chance factors. To introduce precise probability calculations into the analysis presents logical and statistical complexities of overwhelming difficulty, yet some further effort to examine these patterns of intra-delegation agreement, taking at least rough account of chance factors, seems imperative.

The simplest appropriate assumption to make is that, if relationships within the state delegations were of no significance, the incidence of intra-state agreements in any sample of scores, such as the number of scores equal to one less than the number of legislators in the delegation, should be no greater than the proportion of the delegation to the legislative party as a whole. Thus, in a

TABLE V. DISTRIBUTION OF INTRA-STATE AGREEMENT SCORES IN EXCESS OF EXPECTED INCIDENCE WITHIN THIRTEEN SELECTED DEMOCRATIC STATE DELEGATIONS TO THE HOUSE OF REPRESENTATIVES, 81ST CONGRESS

State	First Session			Second Session					
	Intermediate Cohesion, 74 Roll Calls			Low Cohesion, 74 Roll Calls			High Cohesion, 62 Roll Calls		
	Number in Dele- gation	Number with Excess Scores	Mean Excess Scores	Number in Dele- gation	Number with Excess Scores	Mean Excess Scores	Number in Dele- gation	Number with Excess Scores	Mean Excess Scores
Alabama	9	8	2.25	9	5	1.2	9	0	0.0
California	10	1	1.0	11	9	1.89	11	1	1.0
Colorado	8	0	0.0	3	0	0.0	3	0	0.0
Illinois	12	9	2.33	11	7	2.86	11	4	1.25
Massachusetts	6	0	0.0	6	0	0.0	6	0	0.0
Minnesota	4	1	1.0	4	0	0.0	4	0	0.0
Missouri	13	11	3.09	12	7	1.43	12	11	1.64
New York	23	10	2.0	24	19	2.89	24	13	1.92
North Carolina	12	3	1.3	11	1	3.0	11	4	1.25
Ohio	12	2	1.0	12	5	1.8	12	1	2.0
Oklahoma	8	4	1.5	8	3	2.3	8	0	0.0
Pennsylvania	15	8	1.5	15	13	2.08	15	10	1.7
Texas	20	17	4.6	19	14	2.8	19	11	2.5
13 States	146	74	2.65	145	85	2.33	145	54	1.83

legislative party of 100 and a state delegation of ten, it might be expected that on a purely chance basis one (actually .9) of the top nine scores of any member of the delegation would be an intra-state score. Any number of intra-state scores

TABLE VI. DISTRIBUTION OF INTRA-STATE AGREEMENT SCORES IN EXCESS OF EXPECTED INCIDENCE WITHIN TEN SELECTED REPUBLICAN STATE DELEGATIONS TO THE HOUSE OF REPRESENTATIVES, 81ST CONGRESS

State	First Session			Second Session					
	Intermediate Cohesion, 74 Roll Calls			Low Cohesion, 74 Roll Calls			High Cohesion, 68 Roll Calls		
	Number in Dele- gation	Number with Excess Scores	Mean Excess Scores	Number in Dele- gation	Number with Excess Scores	Mean Excess Scores	Number in Dele- gation	Number with Excess Scores	Mean Excess Scores
California	13	8	1.75	12	9	2.4	12	4	1.0
Illinois	14	11	1.91	13	7	2.0	13	6	1.5
Iowa	8	5	1.2	8	8	2.25	8	0	0.0
Kansas	6	3	1.0	6	1	1.0	6	0	0.0
Massachusetts	8	6	1.5	8	6	2.0	8	0	0.0
Michigan	12	5	1.6	12	4	1.5	12	4	1.0
New York	20	4	1.75	20	14	2.64	20	5	1.2
Oregon	4	0	0.0	4	0	0.0	4	0	0.0
Pennsylvania	17	12	2.58	18	12	3.08	18	11	1.5
Wisconsin	8	3	1.0	8	5	1.2	8	1	1.0
10 States	110	57	1.79	109	66	2.32	109	31	1.82

in excess of this, in this example two or more, could be regarded as reflecting the influence of intra-delegation relationships.

For each of the 256 legislators (254 in the second session) in each of the 23 delegations the top scores (equal to the number in the delegation less one) in each of the sets of roll calls were analyzed in this fashion. The results for each delegation were summarized so as to show the number in the delegation, the number having intra-state scores in excess of expectation, and the average number of such excess scores for those having them within the delegation. In order to develop the data as conservatively as possible, a single intra-state score was never treated as significant, no matter how small the delegation, so that the results understate the situation for delegations no larger than three or four.

In the low-cohesion Democratic votes of the second session, since the bloc matrix revealed, not unexpectedly, a very sharp North-South cleavage, the denominator in the proportion of the state delegation to the party as a whole was reduced. For the Southern delegations this proportion was based on the 137 Democrats from the South and the Border rather than on the 258 Democrats in the House.<sup>10</sup> For the Northern delegations and the two from the Border states it was based on the 158 Democrats from outside the eleven states of the South.<sup>11</sup> Although this procedure understates the degree of intra-delegation agreement on this set of Democratic votes, it reveals more accurately the special influence of intra-delegation relationships by discounting the effect produced by a delegation's voting solidly with one of two cohesive wings of the party. For example, if the calculations for the 24-man New York delegation had been based on all 258 Democrats, the number of intra-delegation scores that might have been attributed to chance would have been two rather than four. Twenty-one members, rather than 19, would have had more intra-state scores than expected on a chance basis, and the mean of the excess scores would have been 4.85 rather than 2.89 (Table V).

In general the results of this analysis support the conclusions already tentatively stated, as the data in Table V and Table VI indicate. As expected, the pattern is not completely consistent from state to state in either party. Moreover, neither the per cent of delegation members with excess state scores nor the composite means of the number of excess scores correlate as closely with the median cohesion indexes as do the ratios in Table IV. And among the Democrats (Table V) the composite mean of the excess scores is a little lower for low-cohesion votes in the second session than for the intermediate set of the first session, contrary to expectation, largely owing to the remarkably high means of two good-sized delegations, Missouri and Texas, on the latter votes.

Nevertheless, the basic pattern identified in the previous analysis also ap-

<sup>10</sup> Speaker Rayburn was omitted from all calculations because he so rarely exercised his right to vote.

<sup>11</sup> The delegations from the two Border states, Missouri and Oklahoma, were treated in this way after inspection indicated that on the whole both were somewhat more closely tied to the non-Southern legislators.

pears here. The proportion in the Democratic delegations with a significant number of intra-state scores is inversely related to the average party cohesion of the sets. (The per cents are 50.7, 59.3, and 37.2 for the first-session votes and low- and high-cohesion sets of the second session, respectively.) For twelve of the thirteen Democratic delegations, North Carolina again being the exception, the proportion with a significant number of intra-state scores is highest in one of the two sets of roll calls on which party cohesion was relatively low. For five of the twelve—Alabama, Illinois, Minnesota, Missouri, and Texas—this proportion is highest on the 74 votes of the first session. Other partial exceptions to the expected pattern appear in New York and Pennsylvania, where the number with more than the expected quota of intra-state scores is larger in the high-cohesion set of the second session than in the first session votes, although the means of the numbers of excess scores among New Yorkers are of the anticipated relative magnitudes. (The high mean in the last column of Table V for the Ohio delegation can be ignored, since it represents the scores of only one man.)

The data on the Republican delegations (Table VI) are even more clearly consistent with the expected pattern. The proportion of Representatives in these ten delegations with a significant number of intra-state scores is inversely related to the average party cohesion on the three sets, the per cents being 51.8, 60.6, and 28.4 for the first-session votes and for the low-cohesion and high-cohesion sets of the second session, respectively. And the same proposition holds for the means of the numbers of excess scores. In nine of the ten delegations the highest proportion of Representatives with a significant number of intra-state scores and the highest mean of the excess scores occur in one of the sets of votes with relatively low party cohesion, the only exception being Oregon, none of whose four-man delegation had a significant number of intra-state scores on any of the three sets of votes. In five of these nine delegations the highest proportion of significant intra-state scores occurs on the votes with the lowest average cohesion. The exceptions are Kansas, Michigan, Illinois, Massachusetts, and Pennsylvania, and in all but the first two of these the means of the numbers of excess scores are highest in the low-cohesion set of the second session even though the number with such scores is no higher than on the first-session votes. Michigan is the outstanding exception to the pattern in this group of delegations, since the number of its members with excess intra-state scores is the same for both the low- and the high-cohesion sets of the second session, although the mean is somewhat higher in the former. The New York delegation also deviates somewhat from the norm in that more of its members had excess scores on the high-cohesion votes of the second session than on the roll calls of the first, although again the mean of the number of excess scores is somewhat higher in the latter instance.

### III

With proper allowance for the limits imposed by the case of a single Congress, it seems clear that in both legislative parties in the House of Representa-



tives the issues that divide the party as a whole do not split the state delegations in similar fashion. Rather they tend significantly to increase delegation cohesion. In other words, agreement within the state delegations is not simply a reflection of high party cohesion. Nor, among the Democrats, is it merely a consequence of solid delegation adherence to one of two unified wings of the party. Rather the intra-delegation relationships seem to have an independent connection with the voting choices of Representatives, particularly on those issues that divide the party most sharply.

The fact of the significance of intra-delegation relationships and their apparent connection with levels of party cohesion is little more than a political curiosity, however, unless an explanation of the pattern can be adduced or demonstrated. What is there about the diminished cohesion of the party or the issues leading to such cleavage that should bring this result? What relevance has it for understanding the nature of the legislative party in the House?

Reflection suggests that the issues which most sharply divide a party are of two broad types. First, there are those which are difficult, highly controversial questions, the Representative's vote on which seems certain to produce important consequences both for the interests with which he identifies and for his own survival in public life. Although these are thus freighted with significant effects, the certainty of the latter may be much clearer than their precise nature. The Representative thus confronted with a situation both insistent and ambiguous is likely to look about him both for guidance and for reassurance. Consultation with the members of his own state delegation may serve those purposes, perhaps partly because there is defensive value in legislators from the same area and party presenting a solid front on issues of high controversy.<sup>13</sup> On such issues, moreover, the formal leadership may offer little guidance because it prudently avoids becoming identified with either faction on a hot and closely contested issue, because it cannot, in the intensity of the conflict, hope to carry more than a small majority of the party with it, or because the leaders themselves are not in agreement on the issues. Such issues are not necessarily, if this speculation is sound, "local" in their impact, in the sense that the effects of rivers and harbors legislation, a general tariff revision, or an inclusive agricultural bill are local. They may rather be "national" issues of either high or

<sup>13</sup> Among the many informal but continuing partisan and bi-partisan gatherings on Capitol Hill, many of which may be of far more consequence than their place in the literature would suggest, the ostensibly social but politically functional meetings of state and regional party delegations are common. (An interesting example is discussed in Tom Connally, *My Name is Tom Connally* (New York: Crowell, 1954), pp. 89-92. For a suggestive case of a somewhat different sort see Stephen K. Bailey and Howard D. Samuel, *Congress at Work* (New York: Henry Holt, 1952), pp. 125-26). Both Senators and Representatives testify to the value, on controversial measures likely to cause difficulty in election campaigns, especially primary elections, of solidarity in state party delegations. Unless deep personal or political differences intervene, two Senators from the same state and party may work out a common position on a set of votes about to be taken in the chamber. Much the same thing takes place, apparently, within the House delegations. On occasion such arrangements may bridge the wide gulf between the two wings of the Capitol and, of course, they may cross party lines as well.

low intensity locally, as seems to be the case with many questions of foreign policy. Although the distinction here is probably more in degree than in kind, there does seem to be a difference between the locally concentrated access of national interests and the access of purely parochial interests, though legislative voting patterns on the two may be identical.

Second, the votes characterized by low party cohesion may be expected to include a number of issues of trifling importance, "free" votes on which the party leadership makes no position known because the outcome is a matter of complete indifference to them. The Representative who rushes over from his office or committee room in answer to the bell announcing a roll call on such an issue may be completely ignorant of its substance and import. He may get a quick and decisive briefing from the first acquaintance he meets on his way through the lobby, from a friend on the committee handling the measure, or from a familiar source within his state party delegation. On such votes, therefore, it is less accurate to say that the party is divided than to characterize it as not being united because the matter of party is irrelevant. But the influence of intra-state relationships may nevertheless be high.<sup>13</sup>

Correspondingly one would infer that the state delegation normally plays a diminished role on votes of high party cohesion because there is no need for it to be influential. The issues in this type of situation are no longer controversial, are non-controversial—even if important in many instances—are trifling but unambiguous, or, if controversial, are by definition productive of cleavages between rather than within the parties. Some of the last would include those cases in which a unified leadership commits its reserves of influence, for whatever reason, in order to assure maximum support of a "party" position.

It is one thing to allege that votes of low and high party cohesion have these characteristics but another thing to demonstrate the point. Limitations of space prohibit the inclusion here of a list of all the roll calls, but examination of these six sets of votes indicates beyond much doubt that there are more issues of trifling importance among the low-cohesion votes of both parties than among the high-cohesion votes. For both parties roll calls such as those on authorizing daylight-saving time and changing the hours for the sale of liquor in the District of Columbia, on the omnibus rivers and harbors bill, on legislation for the benefit of limited groups of veterans, on efforts to rescind the curtailment of postal service, and on legislation authorizing library demonstrations in rural areas are much more characteristic of the low-cohesion sets than of either of the others. Minor issues, by any definition, are present in some measure on all the lists, but their distribution seems to accord with the expectation previously stated. "Important" issues of "national" consequence are also evident in all of the sets, but an assertion that they are more frequent on votes on which the party is unified can only be an inference from the more easily documented conclusion that minor matters are less common.

Since the six sets of roll calls by definition take into account intra-party controversy, there is need in characterizing the sets for some indicator of divergence

<sup>13</sup> For an illustration of this see Bailey and Samuel, *op. cit.*, p. 132.

within the House as a whole. Among several possibilities the simplest is the margin by which a motion is carried or lost as a per cent of the total number voting. This is not a completely satisfactory indicator, since "the House" is a constantly changing quantity. Thus a vote on a trivial matter settled by a close margin appears as a controversial item even though as few as 218 members bothered to vote on it at all. However, since failure to vote is often an act of avoidance as much as a reflection of indifference, refinement of the measure to take account of the number of non-voters does not seem readily practicable or entirely necessary.<sup>14</sup>

Table VII shows the distribution of the votes in the several sets according to these margins. In both parties the concentration of the low-cohesion and the intermediate-cohesion votes toward the lower end of the distribution indicates

<sup>14</sup> The plurality margin in the House is a more satisfactory indicator of controversy within the House, however, than the incidence of "party votes," on which a majority of Democrats oppose a majority of Republicans. As the cluster of votes at the upper end of the distributions in the last two columns of Table VII suggests, the high-cohesion votes of both parties contain a disproportionate number of non-party votes, which testifies to the non-controversial character of many of these roll calls. When one party or both are badly split, however, the incidence of party votes need not be high, though it may be, since controversy within the House does not necessarily follow party lines. For instance, in the Democratic low-cohesion set of the second session there were 31 votes of the 74 on which the corresponding Republican cohesion indexes were relatively high. When these roll calls involved a coalition between the Republicans and the northern wing of the Democrats, who constituted a majority of the Democratic representatives, a non-party vote typically resulted. However, when the votes reflected a coalition between the Republicans and the southern wing of the Democrats, a minority of the party, the result was a party vote. Thus, though party votes slightly outnumber non-party among all the low cohesion votes of both parties, the difference—six percentage points—is not great.

One might further assume that if a considerable proportion of the high-cohesion roll calls concerns issues no longer controversial, among them there would be a concentration of votes on final passage and on the acceptance of conference reports—ratifying roll calls taken after the hotly contested phases of the legislation have passed and the final outcome is clear. Conversely, the low-cohesion votes would include a disproportionate number of votes on modifying amendments, dilatory motions, and the like—votes reflecting the unsettled, controversial character of the issues. Votes on recommittal motions might lie between, since they often provide the only opportunity in the House to register opposition to a measure but also may be merely ratifying actions.

Analysis of the roll calls classified in this fashion raises some interesting questions about the roles of the two legislative parties but contributes little to determining the degrees of controversy within the House. The Democratic distribution fits the expected pattern, but the Republican reverses it. This suggests that the Democrats draw together on the ratifying type of motion because they are the responsible majority party, whereas the Republicans are more likely to be united on the preliminary skirmishes, splitting, when the ultimate result is clear, into a group opposed to the impending majority decision and one willing to go along with it. The latter choice is for them the "tough" one, on which colleagues in the state delegation may be influential, whereas the reverse tends to be true of the majority party. Whether this pattern is indeed a feature of the roles of the majority and minority parties or whether, as the material in Duncan MacRae's forthcoming monograph, "Dimensions of Congressional Voting," suggests, it is a reflection of persistent ideological tendencies in the two parties, only analysis of a Congress in which the majority and minority positions were reversed could determine.

TABLE VII. DISTRIBUTION OF ROLL CALLS BY LEVELS OF COHESION AND BY PLURALITY MARGINS, HOUSE OF REPRESENTATIVES, 81ST CONGRESS

House Plurality (%)	First Session		Second Session			
	Intermediate Cohesion		Low Cohesion		High Cohesion	
	Repub- lican	Demo- cratic	Repub- lican	Demo- cratic	Repub- lican	Demo- cratic
0.1- 9.9	8	14	10	17	9	2
10 -19.9	12	19	15	14	11	12
20 -29.9	9	8	16	8	5	13
30 -39.9	13	14	13	8	2	7
40 -49.9	8	7	10	17	9	3
50 -59.9	2	2	4	5	3	2
60 -69.9	6	4	1	1	1	1
70 -79.9	5	2	3	4	4	3
80 -89.9	8	4	2	0	5	7
90 -99.9	3	0	0	0	17	12
Total	74	74	74	74	66	62

that these issues tend to be controversial within the House as well as within the parties. The U-shaped distribution of the two high-cohesion sets, on the other hand, reflects the fact that these votes tend to be either non-controversial or are straight party-votes—controversial only between the parties—and therefore are marked by a high degree of discipline on both sides.

It thus seems reasonably clear that the issues on which the state party delegations are most conspicuous and, presumably, most influential—the low-cohesion votes—are of two kinds. Either they are the tough, politically ambiguous questions on which the Representative finds himself genuinely uncertain and subject to mutually exclusive claims—“cross-pressured”—or they are matters of trivial or purely local importance. On both types the familiar associations within the state delegation provide guidance, reassurance, and the defensive advantages of solidarity or near solidarity among partisans exposed to the same or closely related publics.

#### IV

The significance of the state delegation in the voting of members of the House has been established, at least tentatively, and an explanation of these relationships has been offered and partially verified. But one further problem must be dealt with. Although the term “state delegation” has been employed throughout this paper, the data in Tables II through VI, above, indicate that that there must be a good deal of variation within as well as between delegations. Specifically, is it not possible that what appears to be a “state” phenomenon is only an artifact of a classification that ignores locality and other factors which may constitute a more substantial basis of cohesion than associations

within the state delegations? Since none of the delegations in this study reaches or even approaches the theoretically possible—but highly improbable—perfect unity, some clustering of agreements within them is bound to exist. Examination of the scores within the delegations reveals, however, that such clustering is rarely to be accounted for primarily in locality terms.

Among the Democrats an outstanding exception is the Illinois delegation. Numbering eleven men in the second session, this group included nine men from Cook County (Chicago and its close suburbs), one from a district composed of seven "downstate" counties, including the city of Springfield, and one from a two-county district adjacent to the preceding and including the city of East St. Louis. As is evident from Figure 1, six of these men make up a cohesive and all but solid bloc on the low-cohesion roll calls of the second session. Among them these six account for all but three of the scores on which the per cent recorded in Table II is based, and all of them are from Cook County. Of the three

Member and District	District Numbers										
	2	3	4	6	8	11	9	1	7	21	25
O'Hara, 2d		61	59	61	61	58					58
Linehan, 3d			63	62	63	63					
Buckley, 4th		63		60*	60*	61					
O'Brien, 6th	61	62	60		62	64					
Gordon, 8th	61	63	60	62							
Chesney, 11th		63	61	64							
Yates, 9th					56						58
Dawson, 1st	(No scores of 38 or higher)										
Sabath, 7th	(No scores of 38 or higher)										
Maek, 21st	(None of first 10 scores from Illinois)										
Price, 25th	(None of first 10 scores from Illinois)										

Cook  
County

FIG. 1. Local Organization Control: Agreements within the Illinois Democratic Delegation,† on 74 Low-Cohesion Roll Calls, House of Representatives, 81st Congress, 2d Session.

† Counting only those intra-state scores included among the ten highest scores for each man. This figures should be read horizontally. Each row indicates those of the man's ten highest scores that are with others in the delegation.

\* Only one of these scores counted in delegation total, as they were tied for 10th place on Buckley's list:

Cook County members not part of this bloc, Yates was a freshman Representative from a district containing a number of high-income residential areas, and Dawson and Sabath were unrecorded on too many of these votes to have any scores of the minimum frequency. What has been described as "Illinois" solidarity, therefore, is in fact a closely knit portion of the Chicago delegation, a conclusion not entirely unexpected, since this group is reputed to be one of the few delegations in the House over which the county leadership can and does exercise continuous and effective discipline.

A very slight degree of the same sort of localization is evident in the New York Democratic delegation, twenty of whose twenty-four members in the second session were from New York City districts. Although the pattern is much less clear than in Illinois, there are signs of some clustering along borough lines, especially within the nine-man delegation from Brooklyn, a tendency that is not astonishing in view of the coalition character of the city's Democratic politics. While these signs appear, however, it is also clear that the pattern of agreements spreads over not only the whole city but all those parts of the state represented by Democrats. There is a solidarity within the delegation that is largely independent of locality solidarity.

In a few other Democratic delegations there are symptoms of intra-state localism, but they are not sharply defined. In the Alabama group, for example, there is some evidence that Representatives from the northern end of the state

Member and District	District Numbers								
	1	2	7	8	6	3	9	10	
Smith, 1st		51							East
Davis, 2d	51			55					
Murray, 7th	44	48							
Byrnes, 8th		55							
Keefe, 6th	(No scores of 38 or higher)								
Withrow, 3d							53	53	West
Hull, 9th						53		51	
O'Konski, 10th		43				53	51		

FIG. 2. Geographic Factions: Agreements within the Wisconsin Republican Delegation,† on 74 Low-Cohesion Roll Calls, House of Representatives, 81st Congress, 2d Session.

† Counting only those intra-state scores included among the seven highest scores for each man. This figure should be read horizontally. Each row indicates those of the man's seven highest scores that were with others in the delegation.

tend to agree with one another more frequently than with their colleagues from the southern end, and *vice versa*. This, however, may reflect no more than a tendency for pairs of legislators from adjoining districts to vote together with a high degree of frequency, a tendency apparent in many delegations in both parties.

Among the ten Republican delegations the only instance showing marked signs of intra-delegation localism is Wisconsin (Figure 2). It is not a highly cohesive group, as a comparison of the scores in Figure 1 and Figure 2 will indicate. Nevertheless, a division between the western districts (3, 9, and 10) and those in the eastern half of the state (1, 2, 7, and 8) is apparent, though it is not absolute. This cluster seems to reflect a fairly complex combination of ecological and strictly political or factional influences. The western districts include large portions of the cut-over forest land of the state and most of the poorer farm land, and in general are less prosperous than the sections nearer Lake Michigan. In the western section lies much of the area once given to strong support of the LaFollettes, and here are two of the three counties in the state carried by Stevenson in 1952. The cleavage between the two areas also corresponds roughly to the boundary between the western Protestant, Scandinavian districts and the Catholic, German sections in and around Milwaukee.

Evidences of factionalism not so clearly based on geography also appear among the Texas Democrats (Figure 3). The districts of the highly cohesive ten-man cluster in the lower part of Figure 3, those of the looser seven-man grouping in the upper corner, and those of the three less readily classified men in the middle all are pretty well scattered over the state. (Figure 3 is based on the roll calls of the first session, since they involved the largest number of state scores.) The cleavage, whose precise implications need not be examined here, can be characterized as that between the loosely cohesive cluster generally willing to accept the moderate leadership of Rayburn and the larger fraction of the delegation, often inclined to repudiate his initiative and to cast in with the more "typical" Southerners in the House.<sup>15</sup>

Aside from the sorts of exceptions mentioned above, the great majority of the state delegations examined show no internal clustering on a locality basis and none based on obvious factional lines. These findings, even in the case of some of the exceptions illustrated here, lend support to the proposition that there is political reality to the intra-delegation relationships in the House. And a reasonable inference from the evidence is that in many such groupings there is a conscious effort at concerted voting. Some equally plausible inferences, however, may operate in combination with this one or even in place of it, although the last possibility seems improbable. An illustration is the California Democratic delegation, whose voting structure is built around four men, two from San Francisco (Havenner and Shelley), one from Los Angeles (King), and one from San Diego (McKinnon). It shows no locality cleavage, and it might re-

<sup>15</sup> Both these state studies and the inclusive bloc metrics underscore the lack of solidarity in the representation of the South, race issues apart, of which the Texas cleavage is illustrative.

Member and District	District Numbers																				
	1	2	3	9	10	14	15	13	19	8	16	5	6	7	11	12	13	20	17	21	
Patman, 1st			59	54	57																
Combs, 2d	52		54																		
Beekworth, 3rd	59	54			58	54															
Thompson, 9th	54				58	58				55								52			
Thornberry, 10th	58		58	58		57															
Lyle, 14th	53		55	58	57					54											
Bentzen, 15th		51																			
Worley, 18th	43		44	45	47	45			46	43					48			41	43	41	
Mahon, 19th			52	55	51	53						52			52	52		52	52	51	
Thomas, 8th	(None of the first 19 scores with Texans)																				
Regan, 16th									46			53		49		52	50	48	49	49	
Wilson, 5th											53			61		59	56	58	61	58	
Teague, 6th												50				52	53	48	51	55	
Pickett, 7th												61				60	55	53	58	57	
Poage, 11th			46*	50	52	48		48	52			47	47	46*		51	46*	49		47	
Lucas, 12th												59		60			57	58	56	58	
Gossett, 13th												56	53	55		57		54	56	58	
Kilday, 20th												58		53		58	54		56		
Burleson, 17th												61		58		56	56	56		56	
Fisher, 21st												58	55	57		58	58	52	56		

FIG. 3. Non-Geographic Factionalism: Agreements Within the Texas Democratic Delegation† on 74 Roll Calls of Intermediate Cohesion, House of Representatives, 81st Congress, 1st Session.

† Counting only those intra-state scores included among the nineteen highest scores for each man. This figure should be read horizontally. Each row indicates those of the man's nineteen highest scores that were with others in the delegation.

\* Only one of these three scores was counted in the delegation total, as they were tied for nineteenth place on Poage's list.

flect concerted action by the delegation. And yet there is a strong likelihood that the members of this nucleus were especially accessible to the legislative claims of organized labor. Supposing this to be the case, it might be argued that the statistical cohesiveness of the delegation is no more than a reflection of the accessibility of its individual members, as individuals, to the claims of the same national interest group. It is not necessary, that is, to conclude that intra-delegation consultation occurred at all, although the organizational functions of the state delegations in the legislative party and the political advantages of solidarity among neighboring legislators on issues of high controversy would



support the view that both influences—interest-group demands and intra-delegation relationships—were operating simultaneously.

The California Democratic delegation also raises another question. Those top scores for each man which are not within the delegation typically are rather widely scattered, from New York to Washington. For example, the first ten scores of Representative Helen Gahagan Douglas on the low-cohesion votes of the second session included—in addition to four of her fellow Californians—Representatives Price of Illinois, Karsten and Sullivan of Missouri, Jackson of Washington, O'Sullivan of Nebraska, and Feighan of Ohio. Much the same pattern occurs in Pennsylvania, Illinois, and other Northern delegations. Since the increases in intra-state scores are most apparent on the issues that divide the party between North and South, may it not be possible that what appears as increased delegation unity is no more than a tendency for the representatives from the larger urban areas to vote the same way on this kind of issue? This does not seem to be the case in California. Comparing the low- and high-cohesion sets of the second session, while the proportion of "big city" scores is higher on the former by 12.9 percentage points, the proportion of intra-state scores is greater by 16.9 points. Moreover, the incidence of intra-state scores is greater by 13.8 percentage points in the low-cohesion set of the second session than in the votes of the first session, while that of the "big city" scores is slightly smaller, by 3.5 percentage points. Comparable results were found for other delegations, further strengthening the conclusion that the increased unity of the state delegations is not merely an artifact of the procedures employed in the analysis.<sup>16</sup>

## V

Because the arguments and the evidence presented in this paper necessarily deal with tendencies and approximations in a legislative body of tremendous diversity and complexity, they should be summarized with a sharp eye on the dangers of overstatement. The basic position is that, unless one assumes that there is no pattern at all in the obviously rather fluid voting in the House, in the absence of institutionalized and fully operative cue-giving mechanisms within the legislative party proper, one would expect to find a variety of substitute devices performing this function. These would reflect associations within standing committees, friendships, and other structural features of the House. Among these the state party delegation, as a group within the legislative party, appears to have an important influence.<sup>17</sup> This statement is an inference from

<sup>16</sup> Since almost all Northern Democrats come from "urban" districts, devising a test of this sort presents difficulties. "Big city" districts are here defined as ones which 1) are in or contain a Standard Metropolitan Area and 2) are in or contain a city of 100,000 or more or 3) contain a county of 100,000 or more. The per cents on which the statements in the text are based are not identical with those in Table II, since all tie scores were included in this calculation, there being no defensible way of discriminating among out-of-state scores.

<sup>17</sup> In his forthcoming study, "Dimensions of Congressional Voting," an application of scaling technique to roll calls in the House in the 81st Congress, Duncan MacRae, Jr., presents evidence to much the same effect, particularly in his chapter entitled "Scale Positions and Constituency Characteristics."

the evidence on intra-delegation agreements in voting. The delegation as a group of interacting legislators is strictly speaking an intervening variable in this interpretation; it is consistent with the evidence, but direct observation of its influence is normally not possible.<sup>18</sup>

The influence of the delegation is not completely consistent from state to state or from situation to situation. This was to be expected, since the delegation is not the only factor bearing upon the voting decision. At times the delegation's role is subordinate to or indistinguishable from centralized control by a strong local party organization, as in the case of the Illinois Democrats; from similarity of voting induced by similarities in the socio-economic composition of districts or by persistent factional cleavages within a state party, as among the Wisconsin Republicans and possibly the Texas Democrats; or from solidarity reflecting equal access to delegation members by the same national interest group, as the case of the California Democrats seems to suggest.

Such alternative influences as these are not inconsistent with a considerable measure of consultation and concerted action by the members of a delegation. Moreover, they do not seem fully to account for the persistent evidence of interaction and solidarity within most of the delegations. They do not adequately explain the occurrence of intra-delegation agreements in excess of what would be expected as a result of sharp regional cleavage within a party, such as the North-South split among the Democrats, or as a result of similarities in the constituencies of "big-city" Democrats.

A method of multiple correlation, if a suitable one could be devised, might not only assign weights to these varied influences but also might conceivably show that apart from these other factors—local party organizations, interest groups, similar constituencies, and the like—the relationships among the members of a delegation as a group were of no significance. In the absence of such a precise measure—and it is improbable that one can be developed—it is reasonable to infer that the face-to-face relationships within a delegation are an independent factor making for solidarity.<sup>19</sup> The evidence does not permit an estimate of the relative importance of the delegation as a group, and in some instances solidarity within a delegation can be accounted for on other grounds. But both the logic of the situation and the weight of the evidence seem to war-

<sup>18</sup> Occasional bits of direct evidence on delegation functions are encountered, in addition to those referred to earlier. For example, the twelve-man Missouri Democratic delegation in the 81st Congress, seven of whom were newcomers to the House in 1949, reportedly made a special effort at delegation solidarity as a way of supporting their fellow Missourian in the White House. This incidentally may account for some of the peculiarities in the Missouri data in Tables II and V.

<sup>19</sup> The peculiarly personal character of these agreements is suggested not only by the clustering within the delegations but also by the fact that the number of agreements within the delegations is unrelated to two fairly obvious formal factors, seniority and primary or general election pluralities. The data could not be presented within the limits of this paper, but analysis of the intra-state scores in these terms shows that freshman Representatives are no more likely to tie to others in the delegation than are those who have served for several terms and that occupants of "safe" seats are no more likely to behave in this way than are legislators from "close" districts.

rant assigning to the delegation as an interactive group an influence of its own upon the choices of its members.

Delegation influence is most apparent on the low-cohesion roll calls of both parties. Though the evidence is not completely satisfactory, these votes appear to contain a relatively large proportion of issues on which associations within a delegation—familiar through their use in connection with bids for committee assignments and a variety of other matters of legislative party organization—can be expected to function as a source of cues and of reassurance. These are the politically explosive but ambiguous issues of major importance, where solidarity at minimum offers defensive protection, and the genuinely trivial matters or those of largely local impact, where state colleagues, among others, are relied upon for advice. Presumably on both types of issues the leadership of the party as a whole does not or cannot supply guidance.

Though the functions of the delegation group are most apparent on the low-cohesion votes, this does not mean that the delegation is irrelevant even when the party is comparatively united. Intra-delegation agreements appear here in several cases more frequently than chance would explain. Reduced ambiguity and more effective operation of the party leadership on the high-cohesion votes would imply, however, a less prominent function for the state delegations on these matters.

Reflection on these findings points to a number of unanswered questions concerning the bearing of the general sociological literature about groups upon the legislative party in the Congress, and concerning the operation of the party group in the House and its role in the total political scheme. The legislative party is a system of mutually interdependent roles whose occupants share relevant attitudes and expectations, and thus satisfies the usual definition of a group. Yet it does not readily fit the specifications characteristic of the literature on groups. The character of the interdependencies and of the shared norms is not nearly so clear as in the case of the small groups from which most of the relevant sociological literature generalizes. Fluidity of internal structure, fractionation, and persistence all seem to be pertinent to a description of the legislative party. They are a paradoxical set of attributes because, given the first two, it is hard to account for the third.

This is not the place to attempt a thorough assault on this problem. It seems likely, however, that the incongruities emerge in part from two circumstances. First, the House and its parties are large, an elementary but fundamental fact that almost certainly has much to do with the peculiarities of structure in both. Second, and probably more important, they are an integral part of a more inclusive system in which variations and ambiguities in the distribution of risks and sanctions, from precinct to caucus to White House, have a bearing upon roles and upon the nature of structure and function. In the small, natural or contrived, "problem-solving" group of the experimental literature, in some larger associations such as militant labor unions, and presumably also in some highly disciplined state legislative bodies, the risks of the members and the sanctions to which they are subject are clear and integrated into the goals

of the group. This is not the case with the legislative party in the House, but the persistent reality of party in the functioning of the chamber is unmistakable.

The generally accepted doctrines concerning leadership in formal groups assert that leaders display special attachment to the goals or norms of the group, and that their roles are functionally distinctive in that all members share a dependence on their performing in ways essential to the particular functions of the group. The application of these criteria to the legislative party as a system appears to extend little beyond the survival of the group as a scheduling device and as a means of allocating instrumental rewards such as committee assignments. Even these seem in many instances to be contingent upon the satisfaction of norms deriving from elsewhere in the political system, upon the reconciliation of the legislators' multiple group memberships. Yet the norms do seem at times to include more than procedural functions. When the competing demands of loyalties outside the legislative party are not dominant, the norms of the legislative party apparently can reach into areas of significant substantive policy. Apparently the leadership functions are then similarly extended, though perhaps permissively more often than as a positive role requirement, and they seem to retain a considerable element of contingency. Even under these circumstances there clearly are a number of significant substantive issues on which the leadership cannot or does not set a party line and on which relationships like those within the state delegations presumably tend to be determining.

More concretely, the present study raises a question of the extent, if any, to which leaders attempt to gear into the power that seems inherent in the intra-delegation relationships. These data can throw no light on this question, nor can they indicate whether the intra-delegation relationships reflect a power vacuum within the legislative party which a strong leadership might come to occupy, or merely an inevitable restriction upon the leadership role. To the extent that fractionation along delegation lines is a response to ambiguity in the House rather than to claims from the constituency—and some of the evidence here points in the former direction—further research may reveal a power vacuum. Further investigation may also indicate the conditions, such as the leverage provided by skilled and persistent policy initiatives from the White House, under which the role of the legislative party leader is broadened and the influence of relationships such as those within the state party delegations reduced. The broad theoretical questions and the more concrete descriptive ones raised by these observations may present a challenge worthy of further research effort.

## STATE PATRONAGE IN A RURAL COUNTY\*

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The use of public employment for political patronage is an ancient phenomenon seldom studied by political scientists in systematic and objective detail. Texts and treatises on political parties reckon with the subject, but usually support their generalizations and conclusions with illustrations rather than comprehensive evidence.<sup>1</sup> Detailed studies date back to the muck-raking period, and deal chiefly with large metropolitan centers. The role of patronage in maintaining the thousands of rural and small city party units across the country, in the face of marked changes in the methods of national party operation over the past generation, is largely guesswork. Yet the vitality of these organizations is a matter of general concern for the future of the party system.

This study is an attempt to apply some of the more familiar assumptions about the value and role of patronage to actual experience in a rural county in central Pennsylvania where it can have little to do with policy control. Exactly what are the political uses of state patronage at this low level? Has it been used to reward the party faithful, or to encourage party activity and contributions, or to woo new partisans? In short, what does a small group of political jobholders contribute to the party that placed them in office—money? service? votes?

Very few states have so large a reservoir of political patronage, waiting to be tapped by the party in office, as Pennsylvania's. The state's partial civil service system covers only 20 per cent or so of its employees, chiefly those in the state police, the state liquor control commission, and those welfare agencies supported by federal government grants. The great majority of the state's administrative and clerical force in Harrisburg, as well as field employees in the highway, forestry, recreational, and institutional services, are politically

\* I am especially indebted to Mr. Nelson P. Guild whose interviewing, observations, and criticisms were immensely valuable, and to the Council on Research of the Graduate School of the Pennsylvania State University for a grant with which to undertake this study.

<sup>1</sup> There have been very few full-length patronage studies, David Kurtzman's *Methods of Controlling Votes in Philadelphia* (Philadelphia, 1935) being about the only one directly concerning the politics of patronage. H. O. Waldby's *The Patronage System in Oklahoma* (Norman, 1950) approaches patronage largely in terms of its implications for public administration and personnel policy. Patronage also is featured prominently in some of the broader works on parties as, for instance, Harold F. Gosnell, *Machine Politics: Chicago Model* (Chicago, 1937); Sonya Forthall, *Cogwheels of Democracy, A Study of the Precinct Captain* (New York, 1946); Frank R. Kent, *The Great Game of Politics* (New York, 1923); and V. O. Key, Jr., *Southern Politics* (New York, 1950) and *American State Politics: An Introduction* (New York, 1956). The subject is also considered in works on public administration and the civil service; Harvey C. Mansfield's paper on patronage at the national level in *The Federal Government Service*, a report of the American Assembly (New York, 1954) is a good illustration. The learned journals are generally barren of articles on the politics of patronage.

appointed. Generally speaking, while jobs in Harrisburg are more often reserved for gubernatorial largesse, the county chairmen of the governor's party maintain control of appointments to field jobs within their respective counties. Of these the highway jobs bulk largest in most counties.

In a state as heterogeneous and varied as Pennsylvania no single county among the 67 can be called typical. The site of this study, Centre county, represents perhaps the rural, forested, non-mining counties of the central and northern parts of the state. Located in the geographical center of the state, Centre county, with a population of 65,922, has only two boroughs with populations over 5,000: State College (17,227) and Bellefonte (5,651), the county seat. The county is predominantly agricultural, although the single most important "industry" may well be the Pennsylvania State University at State College.<sup>2</sup> The county has in the past 20 years been consistently in the Republican column in national, state, and local elections. The 1954 party registration figures testify to the county's tradition: Republican, 15,827; Democratic, 9,633.<sup>3</sup>

Although the patronage resources available in Centre county are not limited to the 140-odd highway jobs, these are the most important part of local spoils.<sup>4</sup> It is with these highway positions that this study is concerned. After the statewide Democratic victory in November of 1954 control of these positions fell from the hands of the Republicans (who had controlled them since 1938) to the Democrats, and the mass replacement of highway Republicans began. In the summer of 1955, eight months later, we interviewed the Republican appointees who were on the highway payrolls on November 1, 1954. Having been removed from their jobs by the summer of 1955, these men might be more willing to talk of their experiences as political appointees than those still working for the state.

Out of a total of 138 workers, we interviewed 123, or 89 per cent. The interviews were conducted in person and were preceded by a brief explanation of the purpose of the study. The questions were reduced to a few short, essential items; interested and articulate respondents were encouraged to talk on.

A word or two about the organization of the county highway crews may be helpful in interpreting the results of the study. The basic unit in the county highway force is a small work group, headed by a "caretaker" and manned by a small number of "laborers." To each group is assigned the maintenance of roads within a specific area in the county. Serving the needs of the county as a whole is a crew of equipment operators and skilled workers (painters, a

<sup>2</sup> The census figure of 17,227 residents in State College includes students living in town who account for a large part of the total. While the Pennsylvania State University is located at State College, it maintains the separate postal address of University Park.

<sup>3</sup> In the 1954 elections, however, the county did reflect the widespread swing to the Democrats that resulted in the victory of Governor George M. Leader. In Centre county the Republicans polled 9,442 votes to 9,164 for the Democrats. An occasional "county seat" Democrat also captures a county or local office.

<sup>4</sup> The county organizations are also able to place some patronage appointments in Harrisburg and within the county in positions with the forest and waters service, various state institutions within the county, and the state fish hatchery.

materials tester, blacksmith, etc.) headed by a small number of foremen. The total sample of the 123 who were interviewed included: 17 caretakers, 67 laborers, 24 equipment operators, 6 skilled workers, 5 foremen, 3 janitors, and 1 typist.<sup>5</sup>

# I

The first group of results clusters about the partisan attachment and activity of the highway workers. Whether the jobs are being used to pay past political debts or to recruit active partisans for the future, one might expect the appointees to be staunch party adherents. At the time of the interview 106 (86 per cent) were registered Republicans; the remaining 17 (14 per cent) were registered Democrats who had changed their registrations after the 1954 elections in the hope of remaining with the highway. Twenty more declared that they had at some time in the past been Democrats, so that only 70 per cent of the sample have been life-long Republicans. And at least 12 of those 20 sometime Democrats became Republicans earlier in order to get a highway job under a Republican administration. Furthermore, only 59 (48 per cent) of the group profess to vote at every election, 37 (30 per cent) claim they vote a straight Republican ticket, and 33 (27 per cent) say they discuss politics, if only occasionally. Judging by registration and voting records, then, these Republican jobholders would appear to be something less than loyal, vocal partisans. To the extent that the patronage was used to create a bloc of solidly Republican voters, it was only a very partial success.

Nor do the results of these interviews indicate that the 123 highway positions went primarily to reward past party activity or to bolster the party organization. Some 24 (20 per cent) reported having campaigned for the party before being placed on the highway; this campaigning took any number of forms (circulating nomination papers, canvassing for voters and votes, introducing candidates), but by far the most common activity was "hauling" voters to the polls. Similarly, only 7 (6 per cent) held a party office before going on the highway, and 10 (8 per cent) were candidates for public office before appointment. If one combines all three of these forms of political activity into one rough-and-ready index of political activity, only 30 (24 per cent) had rendered the party at least one type of service before appointment.

The Republicans were, however, more effective in using the jobs as leverage for extracting political activity *after* appointment. A total of 43 (35 per cent) campaigned while on the highway, 13 (11 per cent) held party office, and 17 (14 per cent) were candidates for public office. In toto, 49 (40 per cent) recorded at least one form of political activity after placement on the job. Combining activity both before and after appointment, 49 (40 per cent) campaigned, 13

\* The Superintendent and Assistant Superintendent of the highway forces in the county were intentionally omitted from this study, since as supervisory employees they are in no way comparable to the large group of highway workers. They are frankly political appointments, and in addition to directing highway work they serve as "political supervisors" of the highway crews, collecting party contributions and screening many appointments.

(11 per cent) held party office, and 25 (20 per cent) ran for office. Finally, 59 (48 per cent) showed at least one form of activity for the party either before or during appointment, even if it amounted only to bringing an isolated voter to the polls 10 years ago.<sup>6</sup>

In one particular respect, however—financial contributions—the highway workers came in overwhelming numbers to the aid of their party. Of the 123, fully 97 (79 per cent) declared themselves party contributors while on the job, even if only once or twice; 19 (15 per cent) denied ever having contributed, and 7 (6 per cent) refused to answer the question. But the widespread hesitance to answer detailed questions in this area of low-grade party finance makes it hard to write with much confidence about their contributions. Not all of the 79 per cent who claim to have contributed did so at every election; about one-quarter of the "yes" group confessed giving only "occasionally," at "some elections," "a few times," or "once." The median contribution per highway worker, among those contributing at a given election, was probably less than five dollars; the political revenue per election totaled perhaps no more than a modest three or four hundred dollars.

Approaching these data on political activity negatively, 30 per cent of the appointees have not been consistently registered as Republicans, and a large portion of this group changed registrations either to land a job originally or to win Democratic favor after 1954. A large 70 per cent do not vote a straight Republican ticket, and 73 per cent do not discuss politics. Finally, 60 per cent have never campaigned for the party, 89 per cent have never held party office, and 80 per cent have never run for public office—either before or during their tenure on the highway. These data, then, would seem to indicate that the Republicans managed neither to reward a great deal of past party loyalty nor encourage future partisan efforts, either at the polls or within the party apparatus.

In several respects, though, the party has shown a determination to earn dividends on its political investments. First of all, the superintendent and the assistant superintendent of the highway office in the county did carefully solicit the workers for political contributions during working hours. The feeling was widespread that at least a token contribution was the course of prudence. A puzzling minority claim they were never asked to contribute; it seems likely in these cases that a contribution was assumed or tacitly expected. But although the solicitations were apparently made systematically, there is no reason to think that the Republicans dismissed highway employees for failure to contribute or to contribute with suitable generosity. Secondly, in addition to the careful cultivation of contributions, party chairmen in some parts of the county have dispatched caretakers and equipment operators on election day to bring distant voters to the polls. A number of the workers apologized for this campaigning and explained it was not voluntary.

<sup>6</sup> The figures add to a total greater than 100% because some workers campaigned both before and during their employment on the highway. The same reason applies to the data on party office holding and on candidacies.



The relationship between partisan activity and political jobholding varies considerably among the several job categories on the highway. In general, the better-paid caretakers were considerably more partisan and politically active than the laborers (see Table I). They were more frequently life-long Republicans, they voted more consistently and more consistently Republican, and they discussed politics far more frequently than the other highway workers. In addition, they were more active by far in party affairs and councils, accounting by themselves for over half of all those who have held party office. They were also the most regular and the most generous contributors to the

TABLE I—POLITICAL CHARACTERISTICS OF WORKERS (BY OCCUPATION)

	Total Group (123)	Care- takers (17)	Equip- ment Operators (24)	Laborers (67)	All but Care- takers (106)
Registration					
Republican at interview	86%	100%	88%	81%	84%
Republican all of life	70	94	63	66	66
Political interest and loyalty					
vote at every election	48	76	33	45	43
vote straight ticket	30	59	17	31	25
discuss politics	20	76	8	21	19
Political activity (before and after appointment)					
campaigned	40	88	29	33	32
held party office	11	47	0	3	5
ran for public office	20	59	8	19	14
any one type of activity	48	94	33	45	42
Political contributions					
contributed at least once	79	100	79	72	75
median contribution	\$5	\$15	\$10	\$2-3	\$4

party treasury. The vastly greater partisan involvement of these 17 caretakers suggests that there exists in Centre county a genuine patronage system within the entire patronage system—that perhaps for the real functions of reward and stimulus a smaller number of more desirable jobs has sufficed.

Revealing, too, of the uses of patronage in Centre county is the process by which these highway positions are filled. Fully 38 (31 per cent) of the 123 workers interviewed claim not to have sought the job they held, but rather were asked to take it by a party official, caretaker, or superintendent.<sup>7</sup> For the other 69 per cent who admit having actively pursued a job on the highway, there seems to have been no one procedure to follow, no royal road to employ-

<sup>7</sup> These jobs, as one might expect, were the least desirable ones; 26 of the 38 were laborers.

ment. The largest number (31 per cent) began by approaching a local party official, but 26 per cent went to the county highway superintendent and 19 per cent to the local caretaker. A majority of the job-seekers landed a political job with only one sponsor, or without having seen the local party functionary. As a matter of fact, 51 (41 per cent) of all the 123 jobholders do not recall having seen any party official during the process of being placed on the highway rolls; the local committeeman probably had nonetheless approved the application without seeing the applicant. Recollections about an event that for some of the interviewees happened over 20 years ago may have faded, and ought therefore to be interpreted with reserve; it seems unlikely, though, that the information should be totally disregarded.

The total effect of such an uncertain placement process is not easy to assess. In some cases, especially those involving laborers, the local party must act as a recruitment agency in order simply to keep the highway crews fully manned. When, as in these instances, the party has to seek takers for its jobs, the patronage system is clearly serving no political purpose. In other cases the party dispenses the patronage, but in a haphazard way that may defeat its own purpose—by allowing personal friendships rather than partisan merit to influence the decisions, by permitting the highway worker to forget that he has a political job and that he works because of Republican (or Democratic) beneficence, and by tolerating the recruitment of workers solely on the basis of ability in a crude and informal merit system.

Something of this unclear image and imperfect use of patronage opportunities may be illustrated in another way. We asked each subject why he thought that he in particular was given his political job. Seventy-one (58 per cent) begged the intent of the question by answering something in the nature of "there was a vacancy" or "the highway needed a man"; some of this group, however, mentioned additional reasons. But only 15 (12 per cent) of the whole group cited their Republicanism, and 16 (13 per cent) referred to political influence or "pull." Another 20 (16 per cent) knew a worker on the highway crew, 9 (7 per cent) needed a job, 6 (5 per cent) claimed they were known as good or qualified workers, 2 (2 per cent) had had other patronage jobs, and 19 (15 per cent) expressed no opinion. Apparently many of the jobholders either took for granted or forgot the political control over the highway positions. At least, most men thought non-political considerations entered into their success in getting a job. Their feelings were perhaps summed up by the worker who remarked: "When I found out what a political job it was, I sometimes wondered how I got it."

Since the incompatibility of patronage and a merit system rests at bottom on the use of political "worthiness" as the standard of merit in patronage, the result of this study that perhaps most fundamentally challenges the premises of the patronage system was the revelation that many of the jobs did not change hands after the Republican defeat in 1954. Of the 123 workers interviewed, 38 (31 per cent) were still on the job at the time of the interview in summer of 1955. And 34 (28 per cent) were still on the highway one year later

(November, 1955) on the very eve of the local elections in Centre county, when one might reasonably have expected the Democrats to be marshalling all available resources for an assault on the county court house. One must conclude, then, that the Democrats, denied state patronage in Pennsylvania since 1938, were not able to use the available jobs for political rewards, unless they hoped to "purchase" votes from apostate Republicans whom they permitted to continue on the job.

A brief analysis of the 34 workers able to survive the sudden death of political change suggests some reasons why the turnover in personnel was incomplete. The survivors, when compared with the total group, exhibit less partisan loyalty and a shorter record of political activity: less straight ticket voting, fewer political discussions, more registration changes, and less political activity of any form. In addition to the generally lower level of political allegiance among the holdovers, a second point of note concerning them is the extraordinary hardness of the skilled workers: the equipment operators, the foremen, and the various skilled employees. The strongly partisan caretakers, by contrast, were virtually wiped out, and the percentage of laborers declined noticeably.

Doubtless the survival of the more skilled employees illustrates the extent to which an informal merit system has infiltrated the ranks of patronage. The skills and experience required for these jobs are evidently too rare and too important, in an era of full employment, to be disregarded for political purposes. The data amply illustrate the relative importance of political considerations as against those of skill and experience. The almost total absence of the "politicking" caretakers from the holdover group, and the consequent overweighting of the "apolitical" skilled men, influences the total level of political activity among the holdovers. If, however, one makes comparisons within occupational groups, setting holdover laborers and equipment operators against the total number of laborers and operators, an interesting fact emerges. The holdovers among the unskilled laborers are less political than the total group of laborers, but the holdovers among the skilled equipment operators are actually more political. It appears, then, that the skills which equipment operators possess are an asset which more than outweighs the liability of Republican activity and partisanship. The comparisons also indicate that far more laborers than operators changed their registration after November, 1954, some to curry Democratic favor and others, at Democratic behest, to make their retention appear politically respectable.

In addition, we asked each of the 34 holdovers to speculate on the reasons for his success in keeping the job. Their reasons again suggest the diverse ways of patronage. Their success, they thought, was due to: irreplaceable skills or experience (18), influential Democratic friends (6), change in registration (5), reputation as a good worker (4), influence of caretaker (4), personal need (3), political inactivity (2), and "don't know" (6).<sup>8</sup> These self-analyses tend to sup-

<sup>8</sup> Some of the respondents gave more than one reason for their retention.

port the conclusions already given. The Democrats were forced to reappoint skilled and experienced men, albeit Republicans; these account for one part of the holdover group. The other portion of the holdovers were generally politically inactive or less loyal Republicans, or those who had friends among Democratic leaders and caretakers. They could be reappointed without subjecting the Democrats to the embarrassment of retaining vocal or aggressive Republicans.

The irony here is that if the highway workers should realize that those with the loosest party ties can best survive a change of parties, they will defeat the primary purpose of patronage. A number of the interviewees made it abundantly clear that they were well apprised of this possibility. Several observed that after the Democratic victory in 1954 the first workers replaced were the active party men who "stuck their bills out." Furthermore, any party that fails to effect a complete and ruthless change of workers threatens the effectiveness of the entire system of patronage by encouraging the workers to hedge against an eventual change of parties in the state.

In an undisguised attempt to discover the effectiveness of patronage in luring voters to the dispensing party's banner, the 123 workers were asked whether they felt they "owed" their vote to the Republican party. A surprisingly large group of 55 (45 per cent) replied "yes"; 66 (54 per cent) said "no," and the remainder had no opinion. However, only 20 of those 55 who replied "yes" also reported voting a straight ticket, a fact which would cast some uncertainty on the avowals of obligation. Furthermore, of these 20 straight ticket voters who also felt an obligation to vote for the party, 11 recorded past party activity that might indicate a pre-existing party loyalty. Remaining, then, are 9 straight ticket voters who confess "owing" their vote and yet who have no other record of party activity.

Testing claims of obligation against actual performance in terms of straight ticket voting, one may doubt the efficacy of a political job to attract a solid vote for the party. It may, of course, create a voting tendency or "leaning"—an "all other things being equal" loyalty—that is not intense enough to create straight ticket voting. The data serve also to point out that a number of those professing obligation were probably fairly well committed to Republicanism on other grounds. One may, therefore, wonder whether the highway worker will even deliver his own vote, much less those of his friends and neighbors. Time and again, workers professing no obligation added remarks to the general effect that "I earned every cent I got; I didn't owe them a thing."

Finally, to get something of a worker's eye view of the patronage system, each worker was asked whether he favored putting the highway jobs on a civil service system, whereby the worker, if qualified, would retain his job regardless of election results. The answers were overwhelmingly in favor of civil service; 99 (80 per cent) favored it, 13 (11 per cent) were opposed, and the remainder had no opinion. However, of the 99 "yes" respondents, 39 expressed a reservation that would in some manner limit it to the lower patronage ranks; most

frequently their intention was to exclude the county superintendent and his assistant. Many patronage holders apparently believe that some political jobs are more political than others.

The wide acceptance of civil service may be a normal reaction on the part of men who are now on the outside looking in. Yet 27 (79 per cent) of the 34 men who were still on the job also favored the introduction of civil service. Patronage by its nature fosters an insecurity and consequent opposition within its own ranks; to this extent it carries within itself the seeds of its own opposition. And this pent-up insecurity and hostility may break loose when the worker loses his job—his anger may cancel whatever gratitude he earlier had, or he may experience a complete disenchantment with parties and politics. Workers repeatedly commented that "politics ought not to hurt the working man." To deprive a man of his livelihood for no other reason than the victory of a gubernatorial candidate strikes many of them as unjust, if not immoral. Especially when the worker can see that appointments are made for other than political reasons, he feels that removal for political reasons alone represents a sort of "dirty pool," a game with different rules for each side.

That this loss of a job is a serious matter to these men is borne out by the fact that of those interviewed in the summer, 37 (30 per cent) were unemployed.<sup>9</sup> For a man of 50 or 60, who has spent most of his adult years on the highway, unemployment is a personal tragedy that will inevitably produce bitterness. This insecurity may also account for the fact that of the 85 who had been replaced by interview time only 40 indicated a clear willingness to get the job back sometime in the future; 25 said they were not interested, and 16 said "yes" with reservations.<sup>10</sup>

One final point is relevant to Schattschneider's hypothesis that "the patronage fields will yield their most abundant fruit if plowed and replowed often, for gratitude is a perishable commodity."<sup>11</sup> Half of the 123 men had 9 years or more of service (either continuous or interrupted) on the highway, and 39 (32 percent) men had totals of 14 or more years. In Centre county, at least, the fields of patronage have been allowed to lie fallow, or at best to reseed themselves. Some resulting spoilage of gratitude may account for the loss of vitality in the system.

## II

This study reflects one small view of patronage in one political milieu. Its limitations are readily apparent—the reliance on the memory and veracity of the interviewee, the small scale of the study, and the possibility that the microcosm of Centre county may not be widely representative. Moreover, this research dealt with unattractive, poorly-paid maintenance jobs. The conclusions

<sup>9</sup> Some had been removed only a week or so before we interviewed them; others had been out of work for five or six months.

<sup>10</sup> Reservations were of these types: they would return if the jobs were covered by social security, if the pay were better, if the work were steadier, if they could return soon, or if they wouldn't have to force another man out of his job.

<sup>11</sup> E. E. Schattschneider, *Party Government* (New York, 1942), p. 103.

that have preceded and those that will follow must be evaluated with these caveats in mind.

The data, first of all, suggest that there are many levels of patronage with varying degrees of political effectiveness. Even within the narrow range of this study, two patronage systems emerge—the more effective system of appointments to the caretakers' positions and the appointments to other jobs. In the better-paid caretaker jobs the party secured markedly greater political activity, rewarded more loyal partisans, and extracted greater party effort. But in the less attractive highway jobs, political activity and interest fell off sharply, merely proving that as the desirability of the job decreases, its value as political currency decreases. One may wonder, then, whether patronage must extend so far down the scale of public employment in order to achieve its political purposes.

It is precisely this dubious value of, say, an unskilled laboring job that imposes the first limitation on the effective use of patronage. Demand for the jobs is often so feeble that the party must solicit workers for the jobs, or at best dispense them haphazardly. The significant political leadership in the county will generally be uninterested in such employment.

At the same time, the parties are restricted in their exploitation of these jobs by the need to maintain a reasonably effective highway crew. Appointees of the previous administration may have to be retained, especially if their skills are irreplaceable, and new workers will often be recruited as much on merit considerations as on those of political worthiness. There exists, then, an informal merit system where initial appointment and even survival on the job depends often on skills and experience.

Thirdly, the unclear and even hostile attitude of the 123 jobholders toward the patronage system sharply limits its effectiveness. The workers lacked a clear impression that theirs were political jobs, bestowed for political reasons; and if they did realize it, they rarely seemed reconciled to the fact. Their sentiments on "owing" votes to the party and on civil service reform indicate an unwillingness to play according to the ground rules of the patronage game. Many, furthermore, struck at the political roots of patronage by underplaying their political activity in order to hedge against the omnipresent possibility of a change of parties. One suspects also that politicians themselves hesitate in a small, tightly-knit community to engage in the ruthless hiring and firing that patronage demands.

Under these circumstances it certainly is not amazing that the political uses of these highway jobs have been haphazard and partial. The surprising disclosure, perhaps, is not that three-fourths of the workers were politically inactive before appointment, but that one-fourth were active. However, the data do create doubt that such low-level patronage can serve any great political role in the face of such limits to its effectiveness. In view of the workers' high degree of political inactivity, it becomes clear that the highway jobs were often neither rewarding past political activity nor encouraging it in the future. Furthermore, the degree of registration changing and split-ticket voting indicates

that in most cases the jobs did not go even to loyal and vocal Republican partisans.

In this one county, then, patronage accomplishes a number of purposes. It serves a limited function as a political reward and stimulus, particularly in the more desirable caretaker positions. It serves also as an *ad hoc* merit system, whereby skilled and experienced men are recruited by superintendents and caretakers and then given even a semblance of tenure regardless of political changes. At another level the party simply runs an employment and recruitment agency, staffing the highway crews and trying to keep them at full strength. Finally, patronage may gratify the egos of local party functionaries and supervisory highway employees by permitting them to dispense political largesse to friends and acquaintances in the community. What political strength the local party does gain from its appointments may, therefore, be partially offset by the need to attend to the non-political uses of patronage.

# EMERGING CONFLICTS IN THE DOCTRINES OF PUBLIC ADMINISTRATION\*

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As a self-conscious discipline among the cluster of specialties or "fields" encompassed by political science, public administration came late and grew fast.<sup>1</sup> Its recent arrival and rapid growth sometimes obscure the fact that its origins are to be found in a process of experimentation with governmental structure that long preceded the appearance of public administration as a subject of systematic study and is likely to continue as long as the nation exists. This process of experimentation goes on vigorously today, and the development of new forms is generating discord more profound and far-reaching than any that has ever hitherto divided students of public administration. It is with the sources and significance of that discord that this paper is concerned.

## I. THREE CORE VALUES

The central thesis of this paper is that an examination of the administrative institutions of this country suggests that they have been organized and operated in pursuit successively of three values, here designated representativeness, neutral competence, and executive leadership. Each of these values has been dominant (but not to the point of total suppression of the others) in different periods of our history; the shift from one to another generally appears to have occurred as a consequence of the difficulties encountered in the period preceding the change.<sup>2</sup> Much of the early literature commonly identified as within the province of public administration was written during the transition from the first to the second of these values, and the great flood of materials produced after World War I often reflected both the second and third values when these for a time (and for reasons to be explained) pointed in the same direction for governmental improvement. Lately, however, the courses of action indicated by the second and third values have been not only different, but contradictory; the cleavage is becoming increasingly apparent in the doctrines of public ad-

\* This is a revision of a paper prepared for the Panel on "The Study of Public Administration Since Woodrow Wilson" at the 52nd Annual Meeting of the American Political Science Association on September 7, 1956, at Washington, D. C.

<sup>1</sup> "Although the art of administration has been practiced for centuries, it has not been widely written about until recent times . . . . The study of public administration has advanced to an extraordinary degree since 1920 . . . . (T)he study of public administration is still primarily American." Leonard D. White, *Introduction to the Study of Public Administration*, 4th edition (New York, 1955), pp. 9, 10, 11.

<sup>2</sup> To be sure, the three values, which will be examined in turn, are not the only ones to be fulfilled by the governmental system, but the design and functioning of the government have been such that these appear to have received prime stress in the ordering of our political life.



ministration. What the effects will be on the fraternity of practitioners and on their aspirations to professional status is difficult to say, but it seems clear that commitments to values that have become incompatible can produce only gulfs in the realm of ideas and confusion in proposals for governmental reform.

*The Quest for Representativeness.* The earliest<sup>3</sup> stress was placed on representativeness in government, the quest for which clearly had its roots in the colonial period, when colonial assemblies were struggling with royal governors for control of political life in the New World and "No taxation without representation" was a slogan that expressed one of the principal interests and anxieties of the colonists. The legislatures thus became the champions of the indigenous population, or at least of the ruling elements in the colonies, against what was regarded in many quarters as executive oppression. When the Revolution drove the British out, the legislatures in the new states were, with but a couple of exceptions,<sup>4</sup> enthroned in positions of leadership of the new governments, and, although the franchise continued to be limited to a relatively small proportion of the people, it was through the legislatures that governmental policy was formulated and legitimated. Even in the states that continued to operate under their colonial charters in the post-Revolutionary years, the governors were reduced to figureheads with little influence in the making of governmental decisions. In ten of the states, the governors were elected by the legislatures, most of them for only one-year terms; in just one state did the governor have a veto, and even that was limited by present-day standards. Governors had few powers of appointment and removal, or of administrative supervision and control. They did not function as legislative leaders. Lacking in status and in constitutional and administrative strength, governors had no source of political strength, and they therefore remained subordinate to the legislatures in every respect; they had no leverage with which to exert influence even if they had been so inclined. Hence, the office was regarded as primarily ceremonial and a symbol of honor rather than as a seat of power, and it therefore rarely attracted men of distinction in the early days of the Republic. Consequently, as late as the opening years of the Twentieth Century, the governorship was a dead-end road. As one authority has remarked, they served their short terms and returned to private life with few accomplishments behind them and nothing before them but the pleasure of being called "Governor" for the rest of their days.<sup>5</sup> The legislatures ruled virtually unchallenged.

<sup>3</sup> It is impossible to date any of the periods with precision, except arbitrarily, and it is probably unnecessary to do so for most purposes, but their origins can be identified, and so, roughly, can their zeniths.

<sup>4</sup> New York and Massachusetts. These states provided important models for the federal executive, which ultimately was set up as an even stronger—and perhaps better—office than its prototypes.

<sup>5</sup> There were notable exceptions of course. Cleveland became President after serving as Governor of New York, Hayes and McKinley had both been Governors of Ohio before moving to the White House, and other governors became influential in national politics. As a general rule, however, the governorship was not a springboard to power or prominence.

In local government, too, collegiate bodies were in charge. Whether they were truly "representative," and whether one ought to refer to the governing organ of a community that is not "sovereign" as a legislature, are questions we need not consider here. Suffice it to say that local executives labored under the same or perhaps greater handicaps than their state counterparts and therefore presented no more of a challenge to the local institutions corresponding to legislatures than did the governors to the state bodies.

The constitutional specifications for the Presidency constituted a counter-trend to the apparent value system of governmental designers in early America. For the President was invested with greater authority than almost any other chief executive of the time. Yet even at the federal level, there were clearly widespread expectations that the Congress would provide the primary motive power for the government, a view shared, according to Binkley, even by many incumbents of the White House whose "Whig conception" of the Presidency as subservient to the legislature may be contrasted with the "stewardship theory" of independent Presidential authority to be enunciated much later in history. While Washington and Jefferson fought to protect and extend executive power from the very first, it is probably not stretching the facts to argue that Presidents for a long time had an uphill struggle in this effort, and that many chose to yield to the sentiment of the day and the strength of the giants in Congress. Whether or not the legislatures were actually the most representative institutions need not be explored here; there is ample evidence that they were thought to be so.

The enthronement of the legislature was one of the two major tangible indications of the value placed on representativeness; the other was the rather uncritical faith in the electoral principle. It began with the extension of the franchise and a thrust toward universal adult suffrage. But the faith in elections also took the form of an increasing number of official positions filled by balloting. The first half of the Nineteenth Century saw the number of elective offices sharply increased, especially after the Jacksonian Revolution burst upon the country. The ballot grew in length until almost every public official from President down to dogcatcher came to power via the electoral route. Moreover, with the rise of the party organizations to new influence as a result, even those positions which were not made elective were filled by party faithful; the spoils system came into its own. By the time of the Civil War, voters found themselves confronted by hundreds of names on their ballots, and each change of party brought with it a change in virtually all government employees.

*The Quest for Neutral Competence.* As early as the middle of the Nineteenth Century, it had become clear to some people that legislative supremacy, the long ballot, and the spoils system did not in fact increase representativeness; as a matter of fact, they often seemed to have just the opposite effect. For one thing, they tended to confuse both voters and interest groups and thereby opened the way to power to political bosses who, while providing a measure of integration in the bewildering pullulation of government, often utilized their positions to advance their personal interests and the interests of the organiza-

tions they headed without regard for the interests of many of the governed. For another thing, legislators and administrators at every level of government proved themselves peculiarly vulnerable to the forces let loose by the burgeoning industrial system; corruption beset legislatures from county boards and city councils right up to Congress itself, and the venality and incompetence of many public officers and employers were common knowledge.

Disillusionment with existing governmental machinery was a result. State and local constitutions and charters grew longer and more detailed as reformers tried to reduce the discretion of legislative bodies. Limitations on the length and frequency of state legislative sessions were imposed to limit the amount of harm they could do. And at every level, reformers began to cast around for new governmental machinery that would provide a high level of responsible government service while avoiding the high costs of unalloyed representative mechanisms.

Thus began the quest for neutral competence in government officials, a quest which has continued to the present day. The core value of this search was ability to do the work of government expertly, and to do it according to explicit, objective standards rather than to personal or party or other obligations and loyalties.<sup>6</sup> The slogan of the neutral competence school became, "Take administration out of politics."

This school produced its own rationale and mechanisms for this purpose. The rationale was the now-familiar politics-administration dichotomy, according to which politics and administration are distinct and separable processes that should therefore be assigned to separate and distinct organs. The mechanisms were independent boards and commissions and the merit system, which were designed to insulate many public officials and public policies from political pressures.

The movement gathered momentum after the Civil War, although the first

<sup>6</sup> Proponents of this value generally did not demean representative institutions; on the contrary, they claimed their programs would strengthen those institutions by rationalizing governmental operations and improving their quality to such an extent that elected officers would be in a position to exert greater control over policy than they ever could hope to do in the prevailing political jungle. The case for neutral competence has normally been made not as an alternative to representativeness, but as a fulfillment of it.

The disillusionment of some was so thorough, however, that they lost faith completely in representativeness, in the capacity of a people to rule themselves, and returned to advocacy of rule by an aristocracy of talent. Civil service reform was, in fact, a movement which found its leaders among the grandsons and great-grandsons of the "Patricians" of early days, among the "Old Whigs" and their sons, among those who had been enamored of, or grew up under, British or German or French institutions (for example, the Adamses, Godkin, Schurz, Villard, Rosengarten), and among the urban mercantile and older businesses or professions rather than among the new industrialists. Distrust of the populace may still be observed in some modern writers and even in some current supporters of the neutral competence idea, but, for the most part the concept of representation was so deeply ingrained in American thinking—and, indeed, in American emotions, for the word has become a revered one—that few dare to attack it openly whatever their beliefs may be.

agitation for some of its objectives goes back even further. In local and state governments, library boards and park boards and police boards and boards of health and finance boards and utilities commissions and boards of education and boards of assessment and equalization and boards and commissions for a dozen other purposes mushroomed up all over the governmental landscape. At the federal level, the Interstate Commerce Commission came into being, to be followed in the Twentieth Century by a host of like bodies. These agencies, at every level, differed from each other in details, but had the same underlying structure: their members were appointed for overlapping terms supposedly on the basis of their reputations for general ability and character and specialized knowledge. They were granted wide discretion and secure tenure for substantial periods, and were expected to formulate policy on nonpolitical premises. Objectivity was reinforced in some instances by mandatory bipartisan membership on the boards. The exigencies of the times made it necessary for legislatures to delegate power to administrative agencies; the advocates of neutral competence deflected delegation from the chief executives and the departments under their control to what was later to be branded "the headless fourth branch of government."

The merit system, peculiarly, made its greatest advances where boards and commissions were slowest to gain a foothold—the federal government. Pressure for the merit system began before the Civil War; its first fruit was the federal Civil Service Act of 1883. Initially, the objectives of the program were confined principally to controlling the selection of government workers by taking the power to hire staff from the hands of executive heads (who were politicians) and lodging it with experts who, if they did not actually appoint personnel, at least could screen out all but those who could pass tests of one sort or another. This aspect of the program spread rapidly in the federal government; despite the subsequent growth of the federal service, about nine out of ten government employees today are under some form of merit appointment. But the process did not stop with the removal of the appointing power from politics; over the years, the Civil Service Commission extended its surveillance to dismissal, promotion, and position classification; eventually, with the aid of new legislation, the political activities of civil servants were reduced to little more than voting. A wall was erected between the government bureaucracy and the politicians, a wall policed by the Civil Service Commission.<sup>7</sup>

The quest for neutral competence, though it began about a century ago, has never waned. The training of civil servants became steadily more formal and systematic as time passed; courses, departments, and even schools of administration appeared in universities. Organization and methods analysis became a profession in itself. Boards and commissions are still common modes

<sup>7</sup> The states and localities were slow to follow suit. By the turn of the century, only two states had enacted civil service legislation and only a few of the largest cities. Even today, the formal merit system still has a long way to go at these levels: states and localities remain the prime targets of the civil service reformers. But they have made some impressive gains during the last quarter-century, and the idea is still spreading.

of handling administrative problems—witness, for example, the Atomic Energy Commission. Supporters of the merit system continue unabated their efforts to extend it “upward, outward, and downward.” The desire to make government employment an attractive career service was given new voice by the Commission of Inquiry on Public Service Personnel a generation ago, and by the Task Force on Personnel and Civil Service of the Second Hoover Commission more recently. The city manager plan—and even the town, county, and state manager plans—have continued to score successes. Neutral competence is still a living value among students of government, career civil servants, and, perhaps more significantly, among much of the general populace.

*The Quest for Executive Leadership.* Just as the excessive emphasis on representativeness brought with it bitterly disappointing difficulties unforeseen by its advocates, so too the great stress on neutral competence proved to be a mixed blessing. And just as the failures of the machinery established with an eye primarily to representativeness helped produce the reaction toward neutral competence, so too the weaknesses of the governmental arrangements devised by the latter school—or, more accurately, the weaknesses of government resulting from the work of *both* schools—gave impetus to the supporters of a third value: executive leadership.

For both earlier philosophies, and the mechanisms to which they gave rise, created a thrust toward fragmentation of government, toward the formation of highly independent islands of decision-making occupied by officials who went about their business without much reference to each other or to other organs of government. Neither elected administrative officials nor independent boards and commissions welcomed direction from the chief executives; the former were supported by constituencies in much the same way as governors and mayors, and their tenure was linked largely to their vote-getting prowess, while the latter generally remained in office longer than the chief executives and depended very little on them for support. Besides, as these officials and agencies became more accomplished in their respective areas of specialization, they tended to resent efforts of “laymen” and “amateurs” to intervene; this tendency revealed itself even in some civil servants nominally under the chief executives, who, though formally subject to dismissal, turned out in practice to have quite secure tenure, and who, by adept maneuvers in negotiating bureaucratic armistices (“memoranda of agreement”) and in forming alliances with legislative committees and clientele groups, succeeded in carving out for themselves broad areas of discretion free of real supervision by their political chiefs.

The drive toward fragmentation could not be effectively countered by legislative bodies, despite their vast statute-making, financial, and investigative powers. Even Congress can exercise only a general and intermittent oversight over administrative agencies, and has had to confine itself to providing general standards guiding the exercise of administrative discretion and to occasional intervention to correct abuses or to force specific changes in policy. And state legislatures and city councils and county boards operate under still greater limitations; many of these bodies are in session for only brief periods out of each year (or biennium), and administrative officials conduct the business of govern-

ment with great latitude in the long intervals between meetings. Moreover, even if legislatures met often enough and had enough technical assistance of their own to exert control over administration, their composition and procedures would render them incapable of providing integration; working through tens of committees, reaching decisions through processes of compromise and concession among representatives of small territorial units, functioning increasingly as reviewing bodies for proposals placed before them by executive and administrative agencies and by interest groups, they are generally too slow and too fragmented to perform this function effectively.

Neither have the courts been able to integrate the component elements of American government. They were not designed for this responsibility, and they are completely unable to discharge it. Limited to refereeing disputes between contending parties, formal in procedure and deliberate in method, they could not play this role even had they been willing. In fact, they have increasingly moved toward acceptance of findings of fact by administrative organizations and toward restriction of their own activities to review of questions of jurisdiction and procedure.

The centrifugal drives of the representativeness and neutral competence institutions thus found no important counter-force in the legislatures or in the courts. So the efforts to maximize these values brought with them the dispersion of governmental policy-making processes.

There were widespread criticisms of this fragmentation.<sup>8</sup> It bred chaos; agencies pursued contradictory policies in related fields. It fomented conflict; agencies engaged in bitter bureaucratic warfare to establish their spheres of jurisdiction. It opened gaps in the provision of service or of regulation; clienteles were sometimes denied benefits or escaped supervision because they fell between agencies. It was costly; many agencies maintained overhead organizations that could have been replaced more cheaply and effectively by a common organization, and citizens had to make their own way through bureaucratic labyrinths. And, most important of all, it led to irresponsibility; no one quite knew how the pattern of organization and program came into existence or what could be done to alter it, each segment of the fragmented governments became a self-directing unit, the impact of elections on the conduct of government was minimized, and special interest groups often succeeded in virtually capturing control of individual agencies. No one seemed to be steering the governmental machinery, though everyone had a hand in it. At best, it seemed to be drifting (and just when the growth of the economic system appeared to make greater direction necessary), while at worst it showed signs of flying apart or grinding to a stop. These were among the forces that persuaded many students of government that chief executives had to be built up to take charge of the machinery.

The office of the chief executive became their hope because it furnished the

<sup>8</sup> Criticisms, that is to say, of the fragmentation "in general." When it came to the particular fragments over which they exerted their greatest influence, legislators, bureaucrats, party organizers, and interest groups were often defensive of their special positions and hostile to integrating remedies which might disturb their control.

only available means of achieving the end sought.\* Movement toward strengthening chief executives began long before there was an explicit body of doctrine to explain and justify it. In the federal government, it took the form of struggles between Presidents and Congress for control of policy. Since the Presidency was set up with strong constitutional powers at the very start, the battle raged over the breadth of the powers conferred rather than over formal constitutional changes. Those powers were firmly defended, liberally interpreted, and gradually expanded under the strong Presidents from Washington on. The governors, on the other hand, having been granted few powers at the start, gained strength slowly, largely through constitutional amendment, in the course of the Nineteenth Century. In the same period, many city executives developed from mere chairmen of councils to weak mayors and then to strong mayors, and there was even an occasional step in this direction among the rural units of government. These things were taking place even while the emphasis on representativeness was predominant; they continued after the pursuit of neutral competence became the order of the day; but the Twentieth Century was well on its way before executive leadership became a systematic quest supported by articulate theories, and before it really began to gather speed.

One of the first signs of the new emphasis was the rapid spread of the executive budget in government. For a long time, agency requests for funds were considered individually, and there was no central point at which total expenditures were reviewed and the competing claims balanced against each other in the light of the resources available; indeed, very often, the only way governments could figure out how much they were spending was to add up the appropriation bills after they had been passed. The reformers turned to the chief executives to rationalize the spending process, and out of it came the now familiar phenomena of executive review and adjustment of agency requests, and the submittal of a comprehensive budget supposed to make it possible to see the overall spending pattern. The practice was often far short of ideal, but, for the first time, chief executives were given a powerful instrument with which to control administrative behavior; it was a major advance in striving to equip them to integrate American government. A few large cities and states adopted budgetary legislation during the first two decades of the Twentieth Century, and the Taft Commission on Efficiency and Economy in 1912 urged such a measure upon the federal government. By the middle of the third decade, many of the largest cities, virtually all of the states, and the federal government had budget laws on the books. Since then, in general, the tendency has been toward continued increase in the budgetary powers of chief executives, and toward adoption of the process by those jurisdictions in

\* Party bosses occasionally did serve this function, but *only* occasionally, for it must be remembered that our political parties are really congeries of smaller organizations in most places and therefore hardly equipped to provide governmental integration. Besides, they were phenomena from which governmental designers were seeking to deliver the governmental process.

which it did not previously obtain. A large body of literature now backs up this practice, and, though the lack of a *theory* of budgeting (as contrasted with beliefs about the appropriate *machinery* for budgeting) has been pointed out, the executive-budget doctrine is widely accepted and rarely challenged.

Another indication of the concern with executive leadership is the administrative reorganization movement. It is frequently described as having begun in 1917, when Illinois adopted a sweeping change in its administrative structure, although such measures had been unsuccessfully urged in other states several years earlier. Under this plan, the number of agencies was reduced, and they were grouped into comparatively few departments headed by officials appointed by the governor; an administrative pyramid, with the governor standing at the apex, was the goal, and if it was rarely achieved completely, the extent to which it was approximated is indeed remarkable considering the degree of fragmentation prior to the changes. The number of elected administrative officials was sharply diminished, and ballots became correspondingly shorter. The appointing and removal power of the governor was also increased. In a single vast upheaval, the reorganizers sought to elevate him from an almost impotent exhorter to a powerful leader; if their efforts did not—as they could not—*immediately* produce the consequences sought, it was not very long before they began to bear fruit. Administratively and politically, the Illinois governor ascended to new eminence and influence. And more than half the states, some cities, and a few counties and towns, followed Illinois' lead. All during the 'twenties and 'thirties, surveys of government machinery were commonplace, and they became even more so after World War II as the first federal Hoover Commission touched off a wave of "little Hoover Commissions" in the states and many cities. "Concentration of authority and responsibility," "functional integration," "direct lines of responsibility," "grouping of related services," "elimination of overlapping and duplication," and "need for coordination" echoed through state capitols, city and town halls, and even through some county courthouses as chief executives became the new center of governmental design.

At the federal level, there were occasional adjustments and readjustments in the machinery of government in the early part of the century, and the President was even invested with broad powers of reorganization during the emergencies of World War I and the depression. But it was not until the mushrooming agencies of the New Deal strained that machinery to its limits that the practices and supporting dogmas of the reorganizers made their appearance in strength in Washington. Few clearer statements of the executive leadership value than the *Report of the President's Committee on Administrative Management* have ever been published;<sup>10</sup> with its recommendations on pulling the administrative functions of the independent regulatory commissions back under the Pres-

<sup>10</sup> And no clearer or more scholarly justifications of this value than E. Pendleton Herring, *Public Administration and the Public Interest* (New York, 1936).



ident,<sup>11</sup> on drawing the government corporations back into the hierarchy,<sup>12</sup> on bringing personnel management under close direction by the President, on strengthening the White House staff, on getting the General Accounting Office out of the pre-auditing field and returning this operation to the executive branch, and in the tightly reasoned explanations of these recommendations (which were tied to the peg of the separation of powers), the Committee offered the classic presentation of the reorganization aspects of the executive leadership school.<sup>13</sup>

The Reorganization Act of 1939, which reversed one formal relationship of the President to Congress by conferring initiatory responsibility for reorganization plans on the former and authorizing the latter in effect to veto such proposals, reflected in practice the theory of the Report; even the frequent use of the legislative veto does not reduce the significance of this expansion of executive power, and the fierceness of the periodic battles over renewal of the Act suggests both Congressmen and Presidents are conscious of this significance. In the course of the years since the Report, without much fanfare, other recommendations of the Committee have been put into practice, too; the influence of the Committee continued to make itself felt for a long time.

The first Hoover Commission was considerably less emphatic about strengthening the chief executive than its predecessor, and the second Hoover Commission has displayed, if anything, some coldness (if not outright hostility) to the concept. It is conceivable, therefore, that the reorganization movement has for the time being run its course in the federal government. But it would probably be an error to write off entirely this phase of the quest for executive leadership.

A third index of this quest, an index related to, but distinguishable from, the developments in budgeting and administrative reorganization, is the increase in the size of executive staffs. The archetype is the Executive Office of the President with its hundreds of specialists providing the President with advice on every aspect of policy, reviewing legislative proposals to work out the Presidential attitude, studying administrative management from the President's point of view, planning, researching, furnishing legal counsel, serving as a source of information alternative and supplementary to the formal hierarchy, and studded with "the President's men," responsible and loyal to him and him alone. This is a far cry from the days when a President's secretariat consisted

<sup>11</sup> This point of view received additional support at the state level, although in restrained tones, from James W. Feeler in his *The Independence of State Regulatory Commissions* (Chicago, 1942).

<sup>12</sup> See also, for example, V. O. Key, Jr., "Government Corporations," in Fritz M. Marx, ed., *Elements of Public Administration* (New York, 1946).

<sup>13</sup> To be sure, the Committee also advocated expansion of the merit system, and restated the argument that stronger executive leadership would mean greater popular control of government (i.e., representativeness), thus indicating how deep-seated these parallel values were. But this cannot obscure the basic premises of the Committee's Report, nor negate its general impact: it is overwhelmingly for executive leadership in sentiment.

of a few aides who helped him with his official correspondence; it has helped to give the chief executive the means with which to direct the administration he heads and to formulate programs and press them into statute and then into operation; it has helped make him a real center of political and administrative power. In like fashion, the executive offices of many of the governors have been transformed into instruments of leadership, and some local executives have been similarly equipped; at these levels, the evolution has been somewhat less dramatic, but not much less effective. The tendencies may be uneven in their fulfillment, but they are pronounced.

Doctrinally, the sharp conceptual cleavage between politics and administration, which gained currency during the years when neutral competence was ascendent, and which served as such a useful philosophical prop for the machinery favored in those years, became an impediment to the justification of executive leadership. For one thing, chief executives, in whom administrative responsibility and power were to be lodged, were also partisan politicians. Moreover, one of the main reasons advanced for seeking integration was elimination of the fragmentation resulting from acceptance of the idea of the separability of politics and administration. Gradually, therefore, the politics-administration dichotomy fell out of favor in public administration, and the doctrine of the continuity of the policy-formulating process, better suited to the aims of executive leadership, began to replace it. Before long, the traditional orthodoxy became old-fashioned and found few defenders.

By every measure, then, the years from 1910 to 1950 were characterized by the rise of the quest for executive leadership to a place of pre-eminence in administrative thought and action.

*The Concurrence of Values.* For expository purposes, the quest for the three values has here been treated as sequential, and, to be sure, each had a different high point in time. Nevertheless, it is worth pausing to reiterate that at no point was any of them pursued to the complete exclusion of one or both of the others; evidence of interest in all three can be found at any stage of our history, sometimes in a single document by a single author. As has been observed, the defense of any one was often framed in terms of advancement of the others simultaneously. The story is thus one of changing balance among the values, not of total displacement.

## II. THE COALITION

For many years, the proponents of neutral competence and the partisans of executive leadership were able to make common cause, and their alliance became so imbedded in their thinking that the differences between them were hardly recognized. The divisive factors beginning to emerge today then lay hidden beneath the mutual striving after a shared goal—a merit system to

<sup>14</sup> "Merit system" and "spoils system," as used in this section of this paper, include, but are not restricted to, personnel management. Patronage, it will be seen, is but one aspect—albeit the principal one—of spoils, which includes contracts, purchases, and other "favors." The remedies of the reformers were aimed at every aspect.

replace the spoils system.<sup>14</sup> Much of the standard literature of public administration was written during this honeymoon period and therefore embraced both values at once.

That the members of the neutral competence school should support the merit system as against the spoils system is not at all surprising; this reform lay at the core of their program for redesigning governmental organization. But it does require some explanation to account for the position of the executive leadership people, since spoils were allegedly one of the most effective devices through which executive influence could be exerted. There would seem to be a contradiction between advocacy of measures to strengthen executives on the one hand and endorsement of a system that appeared to reduce executive influence on the other.

The contradiction is more apparent than real. The spoils system had its uses for chief executives, but, as it operated in this country, it never really gave these officers control of the administrative hierarchy. As a source of inducements to persuade legislators to support executive-sponsored measures, it was quite helpful at times. It was also valuable in providing incentives to attract workers for the parties. But it never furnished the executives with loyal, enthusiastic, capable, disciplined administrative machines; it did not make them chief administrators.

Federal patronage, for example, about which more is known than has been revealed about patronage practices at any other level of government, was distributed largely through Senators and Representatives, hopefully in return for the legislators' votes on issues in which the Presidents were interested. But Congressmen ordinarily had to farm out their patronage to the party organizations in their states and districts, and even dissident wings of Presidential parties which did not give Presidential measures consistent support in the legislative chambers could often count on nominating some federal appointees. During election campaigns the Presidents needed the support of all segments of the parties and could not, therefore, afford to weaken them for their legislative defections. In short, the patronage system strengthened party leaders and legislators more than it did executives. Thus the appointing power of the Presidents was bargained away—shrewdly sometimes, to be sure, from the point of view of legislation and of political survival, but at some cost from the standpoint of administrative management. Moreover, if a President's own nomination was itself the result of bargaining in which he was the chosen rather than the chooser, then his appointing power was largely taken away at the start.

It was not just a matter of creating "ten enemies and one ingrate" with every appointment. Equally important, patronage tended to fragment the executive branch as much as did election of administrative officers. For the loyalty of appointees who owed their positions only formally to the appointing official, but in fact to the state and local party units that nominated them, lay with the nominating powers. In the exercise of their legal authorizations, the appointees tended to be as responsive to individual legislators, local and state party leaders, and local community pressures as to their nominal superiors in the

hierarchy. Moreover, since their tenure was sure to be cut short as soon as the opposing party won an election, they tried to squeeze all they could out of their posts while they occupied them; their own personal interests, therefore, were likely to take precedence over official directives when the two conflicted. Trying to lead such a staff was like trying to play croquet in Wonderland; subordinates, like the mallets, balls, and wickets of the fairy tale, operated with a high degree of independence.

• To the supporters of executive leadership, it was clear that the lateral pulls of political parties and individual legislators had to be reduced, and the incentives for public employees to exploit their offices for personal advantage eliminated. Only then could the other means of building up executive influence be made effective; only then could the President assert his authority over administration. So the executive leadership supporters joined the defenders of neutral competence in the drive toward a merit system of appointment, expecting that a bureaucracy chosen by objective standards would be at least as responsive to Presidential direction as to party and legislative pressures. A merit system of appointment controlled by a Civil Service Commission thus served the ends of two schools of thought; for different reasons, and in pursuit of different goals, they united behind it.

Similar factors apparently operated to promote the adoption of objective standards of practice for other activities corrupted by the spoils system. Political discrimination in public contracting, public works, government purchasing, granting of charters and franchises, distribution of benefits and subsidies, and the enforcement of the law, provided a harvest mainly reaped by state and local party and government leaders. These practices, too, gave a bit of leverage to executives in their legislative and political roles, but they did nothing for executive control of the executive branch. So the executive leadership school approved and worked for the adoption of rigorous statutory limitations, cutting party and individual legislators out of these processes as far as possible just as the civil service system freed the appointing process from their depredations. Here, too, though apparently striving for different objectives, the neutral competence and executive leadership groups joined hands.

Consequently, the flood of literature on public administration after World War I unanimously applauded many of the measures designed to take government out of politics. By the 'thirties, however, as the emphasis on executive leadership increased, evidences of discord grew more persistent.

### III. THE EMERGING CONFLICT

In thirty years the number of federal civilian employees has more than quadrupled. If power were measurable, the federal bureaucracy's power would probably turn out to have increased by an even greater factor: Governmental policy is now formulated in administrative regulations and orders, as the growth of the Federal Register vividly attests; judicial proceedings before administrative agencies probably exceed in quantity those before the courts; licensing and administrative decisions regarding benefits and subsidies, are the

order of the day; and all of this is handled by administrative officials under the very broadest of mandates from Congress and the President. Much of our legislation originates in administrative agencies, and most proposed legislation is submitted to such agencies to determine what the President's position on it ought to be. A corresponding growth of administrative influence has taken place in all large-scale organizations, both governmental and private, but few have a record as dramatic in this respect as the federal government.

The growth of governmental bureaucracy in size and importance was subjected to vehement attacks in this country and abroad. For the most part, however, the attacks were disregarded, especially by political scientists, because it was clear that they were not aimed at the bureaucracy *per se*, but at the governmental *programs* administered by the civil servants. The programs themselves were too popular for their critics to assail directly with any real hope of success; the assault therefore took an oblique approach, hitting at what appeared to be a more vulnerable target. The criticism was therefore not taken very seriously in the study of public administration. Students of this subject became ardent and sometimes uncritical defenders of bureaucrats. Now that the controversy over the New Deal has subsided, however, the bureaucracy itself is more or less taken for granted, and attacks upon it are less frequent, less vehement, and less publicized than they once were. This has helped students of public administration to take a somewhat more dispassionate view of the bureaucracy, and some second thoughts may be at hand.

For though the mechanisms of neutral competence were remarkably successful in reducing the influence of the political parties on the administrative hierarchy, they did not necessarily increase the President's control over administration. Rather, they encouraged the development of "self-directing" groups within the bureaucracy, and these groups in turn cultivated their own sources of support among professional groups concerned with the subject matter over which the services have jurisdiction, among their clientele, and among appropriate Congressional committees and subcommittees. The components of the "neutral" bureaucracy, by virtue of their expertness and information and alliances, have become independent sources of decision-making power, and Presidents will probably find them no easier to direct—indeed, perhaps even more intractable, than their partisan predecessors.

As a consequence, some of the standard devices for promoting neutral competence have been openly questioned in the literature of public administration. As noted earlier, the independence of regulatory commissions and government corporations has been vigorously criticized. The Brownlow Committee also sought to make personnel management an arm of the White House and to confine the Civil Service Commission to quasi-judicial functions and a role as "watchdog" of the merit system. This principle was endorsed recently by the staff of the Temporary (New York) State Commission on Coordination of State Activities, by a minority (comprising 11 members) of the Mayor's Committee on Management Survey of the City of New York, by the Sixth American

Assembly,<sup>15</sup> and, implicitly, by the present administration in Washington, under which the chairman of the Civil Service Commission serves as administrative head of that agency and is located in the executive mansion. A rising chorus of voices has also begun to call for decentralization of authority for personnel management to line departments,<sup>16</sup> a position stated with particular clarity and force by Commissioner James K. Pollock of the first Hoover Commission in a minority report on personnel. The establishment of Schedule C in the Federal government service in 1953, rolling back merit system protections from a number of positions of a policy-making and confidential character, despite the partisan components of the impetus behind this move, was in large measure an effort to preserve the power of the President over policy. More recently, the arguments of the second Hoover Commission for extension of civil service protections to the very highest administrative officials (in the form of a "senior civil service") have been sharply questioned.<sup>17</sup> Recommendations for an institutionalized corps of political executives have been assailed as likely to weaken the President.<sup>18</sup> The premises of the city-manager plan have been described as inapplicable to large cities, and some spirited defenses of elected mayors have appeared.<sup>19</sup> And all of these views have been reflected in the kinds of administrative improvements adopted in many jurisdictions in recent years. Other similar defections from the coalition between the neutrality and the leadership camps can be found in current literature and practice, but it is not necessary to labor the point; patently, these straws in the wind are examples of the growing divergence between the two philosophies that makes it increasingly doubtful that their adherents will continue to support the same governmental theories or reforms.

Moreover, the philosophical divisions over structural values among the scholars have been intensified by differing political—i.e., program—views. Many of the champions of increased governmental activities, in the realms both of services (welfare, financial, industrial) and economic regulation, tend to rally

<sup>15</sup> *Staff Report on Civil Service*, State of New York Legislative Document No. 42 (1953); *Modern Management for the City of New York* (1953), Vol. 2, pp. 216 ff.; *The Federal Government Service* (New York: Graduate School of Business, Columbia University, 1954), with special emphasis on Chapter 2, "The President, Congress, and the Federal Government Service," by Herman M. Somers.

<sup>16</sup> Cf., Norman J. Powell, *Personnel Administration in Government* (New York, 1956), pp. 164-71.

<sup>17</sup> E.g., Herman M. Somers, "Some Reservations about the Senior Civil Service," *Personnel Administration*, Vol. 19, pp. 10 ff. (January-February, 1956); and Paul P. Van Riper, *The Dialectics of the Civil Service* (mimeo., Cornell University, 1956).

<sup>18</sup> See the papers (mimeo.) delivered by Harlan Cleveland and Wallace S. Sayre at the Conference on the Political Executive, Woodrow Wilson School of Public and International Affairs, Princeton, New Jersey, March, 1956.

<sup>19</sup> See Temporary (New York) State Commission to Study the Organizational Structure of the Government of the City of New York, *Four Steps to Better Government of New York City* (1953), Chapter 2; Wallace S. Sayre, "The General Manager Idea for Large Cities," *Public Administration Review*, Vol. 14, pp. 253 ff. (Autumn, 1954).

behind chief executives and especially behind the President. The reason is fairly obvious: Demands for expansion of government service and regulation originate frequently (though not exclusively) in urban areas, and urban areas have their greatest political effect on the election of chief executives and their smallest impact on the state legislatures and Congress, where they are substantially underrepresented. So executives tend generally to be more sympathetic to those demands than do the legislators, and those who favor an expanding role for government look to elected executives, as a rule, when they want to impress their preferences on governmental policy. Quite apart, then, from the concern about the organizational problems created by fragmentation of government, there are considerations of political preference and strategy that generate support for executive leadership.

By the same token, there are issues of political attitudes and tactics that engender enthusiasm for legislative bodies regardless of questions of representativeness. Legislatures, because of the composition and the sources of their political strength, offer the greatest leverage to those who resist the growth of governmental activities—or, more accurately, who oppose those governmental activities sought by urban populations. Not, then, because legislatures are more representative, but because this is where the backers of a particular political attitude can exert their greatest political strength, many individuals recommend in their proposals for governmental reform that these bodies be strengthened both relatively and absolutely.

Finally, it might be inferred that some reformers distrust all politicians and electorates and pin their hopes on the expertise and efficiency of a professionalized bureaucracy. They seem to be moved not merely by a concern for governmental structure but by political values that include an implicit contempt for what we ordinarily understand to be the democratic process and an explicit respect for an aristocracy of talent that borders on a latter-day faith in technocracy.<sup>20</sup>

So the tendencies toward division reinforce each other, and there are no visible factors thrusting toward alliances like that fortuitous one developed by a peculiar conjunction of circumstances during the infancy of public administration as an academic and occupational specialty. As a result, the language of public administration is likely to become increasingly strategic and tactical in tone rather than "scientific." Just as the naked power issues of the legislatively oriented groups came to the surface in the recent efforts to weaken the Presidency—viz., the Twenty-Second Amendment, which reduces the leadership potential of a President in his second term; the efforts to strip away Presidential reorganization authority in 1953; the fight over the proposed Bricker Amendment; the continuing efforts to revamp the Electoral College in

<sup>20</sup> There would seem to be an emergent split within this group. Some backers of a professionalized public service are apparently thinking in terms of a corps of administrative generalists to occupy the top levels of administrative agencies regardless of agency subject matter. Others seem to conceive of an administrative elite of occupational specialists—engineers, lawyers, doctors, social workers, foresters, etc.

such a way as to reduce the political effectiveness of the urban-labor-liberal entente that has been partly responsible for the aggressive and expansive use of Presidential power—so too, many of the reorganization issues will be discussed in power terms in the future as the public administration groups aligned with the executive and with the bureaucracy, respectively, pull apart. The question that will be asked about suggested reorganizations is not, "What, according to the canons of management science, is the best organization?" but, "What will be the effect of this measure on the institution we support?" The differences in the answers will sharpen the theoretical distinctions between the wings of the public administration group and hasten estrangement of the factions.<sup>21</sup>

To many students of public administration trained in the 'twenties, 'thirties, and 'forties, the new atmosphere will be a strange and perhaps a bewildering one, fraught with hostilities. To students trained in the 'sixties, the literature of the earlier period, with its "principles," may seem quaint and even naive. Political scientists of the remoter future, looking back, may well conclude that it is not easy to bridge the gap between a generation seeking to encourage the growth of a professional bureaucracy and a generation in turmoil over how to control it.

<sup>21</sup> One may even hazard the guess that the American Society for Public Administration will remain firmly in the hands of the neutral competence group while the executive leadership school in public administration looks more and more to the American Political Science Association as its forum.



## THE LIMITS OF SOCIAL SCIENCE: HENRY ADAMS' QUEST FOR ORDER\*

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Contemporary social scientists generally regard Henry Adams as a brilliant but erratic figure in the history of American thought. Their image of him is that of a gifted but unreliable and unscientific writer. Yet it is striking how, upon a re-examination of his approach to his world, there emerges a cluster of attitudes and preoccupations which clearly anticipate much of what is significant in the work of these social scientists themselves. The reason why Adams is not, however, regarded as a forerunner of present-day students of society is that he never kept himself from pushing his theories to conclusions. If those who share his scientific ideals must ultimately reach his conclusions, the limits of their science might be exposed by a reconsideration of his personal battle, of his peculiar pains, trials, and failures.

Anticipating familiar tendencies, Adams made a case for irrationalism insofar as he pleaded for the conversion of theory into action; for conservatism insofar as he supported the reduction of discords by a manipulative science of means; and for elitism insofar as he permitted the practitioners of empirical science to settle the social conflicts left open to debate by the traditional methods of politics and philosophy. But Adams' formulation of this case was more than merely prescient. It was so consistent, elaborate, and thoroughgoing—and yet so free from the burden of technical jargon—that intentions and goals unclear or concealed in modern social science may be illuminated by a retracing of his search for genuine knowledge of society, by a retracing of his tenacious effort to cut through an infinite succession of wholly baffling events.

It is apparent from both Adams' "study of twentieth-century multiplicity," the subtitle he gave his *Education*, and his prodigious correspondence that the environment in which he had found himself never ceased to baffle him. From the moment when, as a young man, he was mystified by the behavior of English diplomats to the time he constructed his final survey of the meaning of history, Adams was to remain impressed by the inexplicability of politics and society, of nature and culture, of life and death. He saw unmanageable, incoherent forces frustrating, twisting, and deflecting all human plans. Nothing ever, it seemed, turned out as schemed. British statesmanship during the American Civil War was "a pointless puzzle." That Senator Sumner and Secretary Hoar should become the victims of the Grant Administration was a meaningless fact. After a study of Secretary Seward, it was impossible to conclude which part of him "was the mask and which was the features." The political machinery and the moral standards supporting "an eternity of Grants, or even of Garfields or of Conklings or of Jay Goulds" were, for Adams, incon-

\* The writer wishes to thank his own students as well as the Foundation for American Studies for having given him ample opportunity to have this study debated and criticized.

ceivable. The panic of 1893 was beyond understanding, the cultural output of Paris at the turn of the century a chaos, Paris and London "fantastic," Garibaldi an inscrutable sphinx, the ruins of Rome "bewildering." Confronted by the fact that his sister was painfully dying, he could not help but conclude the senselessness of it all. Nature itself, in the form of Mont Blanc, "looked to him what it was—a chaos of anarchic and purposeless forces."

Once more [Adams wrote Charles Milnes Gaskell in 1907] I find myself pitchforked across the ocean into this inconceivable kettle of absurd humanity, and the only change is that I feel each time more bewildered than before by the fact of my own continued existence, which seems now to connect back with nothing. This world has no relation whatever with my world, and I go on living in dreams. . . .<sup>1</sup>

The universe, in its very foundations, was incomprehensible, profoundly meaningless and absurd. Where it had been possible for John Adams and John Quincy Adams—as it seemed to their great-grandson and grandson—to see the world whole, where they had really known the relations between experienced events to be perfectly natural and rational, Henry Adams saw these relations as nothing but subjective acts of will. Such acts, to be sure, did connect disconnected events; but the connections were not in the nature of things. They were artificially created by man, established not by reason but by convention or force. To anyone who would honestly look after extricating himself from personal prejudice and social habit, nothing but an infinite number of discrete, opaque facts existed. Behind them was the great void.

However Adams' nineteenth-century contemporaries tied up disparate particulars, whatever resolutions commended themselves to them, he was alienated from their law. "Outlawry," he affirmed, was his peculiar birthright.<sup>2</sup> The existing formulas failed to account for the sequence of events, for the Grants, Garfields, Conklings, and Goulds. With such a sequence, Adams could not come to terms. He was unable to find the unifying terms either in or for his world. Life's tensions and tests, contingencies and mysteries, could not be subordinated to any significant end or purpose.

The alternatives for Adams—for anyone seeking to bear up after denying validity to all points of orientation—were to impose order in practice or to conquer disorder in theory. In his search for education, for an underlying natural law, in his attempt to effect a "systematic reduction of variables to some operationally valid framework, Adams might have tried to add his will and his power to existing pressures. He might have acted and imposed order in prac-

<sup>1</sup> Henry Adams, *The Education of Henry Adams* (Boston, 1918, hereafter cited as *Education*), pp. 156, 279, 104; see also Worthington Chauncey Ford, ed., *Letters of Henry Adams: 1858-1891* (Boston, 1930, hereafter cited as *Letters I*), p. 83; *Education*, p. 281; Harold Dean Cater, *Henry Adams and His Friends: A Collection of His Unpublished Letters* (Boston, 1947, hereafter cited as *Cater*), pp. 53, 67; *Education*, pp. 338, 346, 403, 317, 94-5, 82-3, 287-9; Worthington Chauncey Ford, ed., *Letters of Henry Adams: 1892-1918* (Boston, 1930, hereafter cited as *Letters II*), p. 476; *Letters I*, p. 148 and *II*, pp. 580, 622; respectively. These expressions are but a sampling of Adams' bewilderment; nor do they fully suggest the resulting ennui.

<sup>2</sup> *Education*, p. 243.

tice. Yet to a large extent, either he closed the active road himself or the America of his day, constituted as it was, closed it for him.<sup>3</sup> He was not, at any rate, to be the politician. If his concern was ultimately to be with the political order, as indeed it was, he gave little immediate indication of it. If he forever struggled for balance in practice, as he modestly did when, at past fifty, he "solemnly and painfully learned to ride the bicycle,"<sup>3a</sup> he effectively covered this up by concentrating on the problem of balance in theory.

Haphazardly yet inflexibly, he set out to perceive a scheme in things which were apparently wholly devoid of scheme, to find reasons for behavior which seemed wholly random and irrational. His encyclopedic, tortuous quest was not only far less playful and idle than Adams managed to make it appear—it actually was desperately serious after the suicide of his wife, an event so irrational that it never did fit the plan of the *Education*—it was also far from superficial. Taking him into virtually all the disciplines of learning, including geology and paleontology, the search was to be life-long. Adams tried everything but the laboratory experiment. Though always carefully rationed out, the energy and passion with which he proceeded would make it appear reasonable to speak of him as being driven. But his style and bearing alone indicate that after every interpretation of Adams as nothing but the frustrated actor, something remains. Adams and not some autonomous drive obviously did the directing. His constant awareness of what he was about makes it evident that he was thoroughly in control. And this fact alone should make it necessary to refrain from psychoanalysis or socio-analysis, to treat his ideas respectfully in and for themselves, to move economically within the circle of his beliefs.

## I

What Adams consistently reached for, it should be clear, was "some great generalization which would finish one's clamor to be educated," some constitutive order basic to change, underlying history. He was plainly dismayed by the conception of history as the manifestation of individual actions to be artistically arranged by the historian. And unwilling to conceive of history as nothing but the capricious and indeterminate behavior of men, he hoped to grasp it as the interplay and the interaction of forces, forces which man himself might somehow discern and learn to master.<sup>4</sup> This meant approaching history as some-

<sup>3</sup> Adams had it both ways: he observed that society had "barred" the political courses he wanted to sail (*ibid.*, p. 263); yet he wrote as early as 1864, "I have now studies immediately on hand, that will certainly require a hundred years of incessant activity to complete, so that it is high time to begin. I look forward not without pleasure to a return to my college life at an advanced age." (*Cater*, p. 26; see also *Cater*, p. 312, and *Letters I*, pp. 154, 160, 162, 258).

<sup>3a</sup> *Education*, p. 330.

<sup>4</sup> *Ibid.*, pp. 224 (see also 472), 300-1, 457, 314. The leading figure of Adams' novel *Democracy* "wanted to see with her own eyes the action of primary forces; to touch with her own hand the massive machinery of society; to measure with her own mind the capacity of the motive power." "What she wished to see, she thought, was the clash of interests . . .

thing other than one thing happening after another *at random*. It meant finding a *necessary* sequence, necessary relations between events. To find such a plot, or such law, required that Adams disentangle himself from the play that was history.<sup>5</sup> He had to gain, however fleetingly, a moment of insight, a point for perspective. He had to free himself from contingencies and the laws conventionally assumed to govern them, looking upon events from the outside, from some undetermined, freely posited vantage point. Assuming the characteristics of the free-floating intelligentsia made familiar by the sociology of knowledge, Adams expressly recognized the philosopher's need to place himself above history "as though he were a small God immortal and possibly omniscient."<sup>6</sup>

From such an all-determining vantage point, he resolved to lay out a framework exposing history's fixed pattern, coinciding with it. He was to write, that he "had even published a dozen volumes of American history for no other purpose than to satisfy himself whether, by the severest process of stating, with the least possible comment, such facts as seemed sure, in such order as seemed rigorously consequent, he could fix . . . a necessary sequence of human movement."<sup>7</sup> One result of this depersonalization, of the elimination of the subjective and the arbitrary, was the austerity and dryness of his nine-volume *History of the United States During the Administrations of Jefferson and Madison* (1889-91). There he wanted to let the facts, or the documents, speak for themselves, permitting them to reveal their natural order, their objective condition. And indeed he kept his comments repressed, checked himself from embellishing the record, made history as pure and positive as seemed possible.<sup>8</sup>

Yet he fully knew that he could not succeed. Unquestionably, if the short span of history he had covered could be identified with certainty, if it could be positively known, the key to all that followed and preceded would be bared. But the attempt to achieve this by means of traditional historical scholarship was obviously senseless. Adams therefore pushed through to another realm of knowledge for a possible answer to the riddle of man's existence and history—its conception, its end, its very point. "Satisfied that the sequence of men led to nothing and that the sequence of their society could lead no further, . . . he turned at last to the sequence of force. . . ." To wrest an answer from the facts, he turned to the physical sciences, hoping that perhaps their unity "would serve."<sup>9</sup> He accepted, for analytical purposes, not only their specific discoveries

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the tremendous forces of government, and the machinery of society, at work. What she wanted was POWER." *Democracy* (New York, 1880), pp. 10, 11-12.

<sup>5</sup> As Leo Strauss has shown in *Natural Right and History* (Chicago, 1953), p. 172 *et seq.*, this was precisely the requirement Hobbes had to labor under in order to gain knowledge.

<sup>6</sup> *Letters I*, p. 206.

<sup>7</sup> *Education*, p. 382.

<sup>8</sup> See William H. Jordy, *Henry Adams: Scientific Historian* (New Haven, 1952), pp. 13, 56; for Adams' relation to Comte, see pp. 92-3, 113-20, 254-5. While Jordy's is easily the best intellectual biography of Adams, a full-scale study illuminating both his personality and his complex relation to Western social thought remains to be written.

<sup>9</sup> *Education*, pp. 382, 431.

—for which he has been soundly criticized<sup>10</sup>—but, more crucially, their method and conventions of investigation.

Natural history, it seemed worth assuming, is governed by the same laws as human history. The physical universe and human society are systematically related. A substructure of forces refers to both; knowledge is basically one.<sup>11</sup> There is a pattern in history just as there is in the stuff studied by the physical scientist. This pattern had to be discerned pure and simple, that is, without the subjective presuppositions which spoiled the social physics of Comte and his precursors. As Adams made clear in the undelivered presidential address he communicated to the American Historical Association in 1894,<sup>12</sup> the challenge had been issued to the historian. It was now essential to go beyond mere analogies and to treat man as the physical scientist had been treating nature. The creation of a science of history, Adams wrote, was a most natural tendency of historical scholarship. Historians had to coöperate with the inevitable. "Historians will not, and even if they would they can not, abandon the attempt. Science itself would admit its own failure if it admitted that man, the most important of all its subjects, could not be brought within its range." Historians, Adams wrote, were standing "on the brink of a great generalization that would reduce all history under a law as clear as the laws which govern the material world." The hope for a "self-evident, harmonious, and complete system" emphatically existed. All that was needed was just one sudden inspiration, one corner turned. Sheer persistence and a lucky break—not genius—would pull it off. "The law was certainly there, and as certainly was in places actually visible, to be touched and handled, as though it were a law of chemistry or physics." And if it should be discovered, "if some new Darwin were to demonstrate the laws of historical evolution," historians, while necessarily coming into conflict with that part of the *status quo* for which there could unfortunately be no future, would attain power. Where at present they were deprived of direct access to centers of power or denied themselves the satisfaction of exercising it, they would finally reach its very core. They would be able to achieve control in the realm of practice. Reflective insight would become operative. Writing to Henry Osborn Taylor, Adams suggested in 1905 that "it will

<sup>10</sup> Jordy, *op. cit.*, pp. 150–1, 163–219; Roy F. Nichols, "The Dynamic Interpretation of History," *New England Quarterly*, Vol. 8, pp. 163–78 (June 1935); see also Robert A. Hume, "Henry Adams's Quest for Certainty," in Hardin Craig, ed., *Stanford Studies in Language and Literature* (Stanford, 1941), pp. 361–73.

<sup>11</sup> "The department of history needs to concert with the departments of biology, sociology, and psychology some common formula or figure to serve their students as a working model for their study of the vital energies; and this figure must be brought into accord with the figures or formulas used by the department of physics and mechanics to serve their students as models for the working of physico-chemical and mechanical energies." Henry Adams, "A Letter to American Teachers of History," in *The Degradation of the Democratic Dogma* (New York, 1920, hereafter cited as "Letter"), pp. 137–263, at pp. 261–2. For a modern manifestation, see David L. Miller, "The Unity of Science Movement," *Southwestern Social Science Quarterly*, Vol. 26, pp. 252–9 (December 1945); and Otto Neurath, Rudolf Carnap, and Charles Morris, eds., *International Encyclopedia of Unified Science* (Chicago, 1955).

<sup>12</sup> *Cater*, p. 328, n. 2.

not need another century or half century to tip thought upside down. Law, in that case, would disappear as theory or a *a priori* principle, and give place to force. Morality would become police."<sup>13</sup> What has been the traditional philosophical quest for knowledge, the indispensable prerequisite for prudent action, would become a dispensable vocation. The body of knowledge concerning first principles being complete, the historical moment to cease philosophizing and to commence action would have arrived. Morality, a *a priori* principles, would be justifiably enforced.

The method by which the "physicist-historian"<sup>14</sup> might achieve control, the method which yielded Adams' own science of history, was (1) to disregard the view of history as an unbroken, undifferentiated continuum in time, as an even flow of "events," (2) to search for possible *natural*, self-evident breaks in the continuity of history, and (3) to examine the forces<sup>15</sup> in the periods between the breaks. Each of these periods—or phases, as Adams called them—would constitute some sort of equilibrium, more or less stable, which would always be qualitatively modified by succeeding periods. The historian's concern would be with the intensity and potency of the forces composing the respective equilibriums. Having taken account of the intensity of force, assigning values to it, he could engage in comparative analysis and possibly make predictions.

In a generally guarded tone, Adams found it useful to posit the existence of four intelligible, discontinuous periods, and from these he projected a fifth. The first was instinctual; the second, characterized by religious fetishism (beginning some 90,000 years ago and ending in 1600); the third, mechanical (1600–1870); and the last, electrical (1870–1917).<sup>16</sup> He had confidence only in the relative accuracy of the mechanical phase, one he therefore used as base. It was from this base that he consequently projected. Since he had to delimit *some* period, he had to risk the misleading impression created by the specificity of dates. Whatever the impression, however, he was always willing to take or to leave a decade, knowing that this would scarcely affect the ultimate outcome very much.<sup>17</sup>

<sup>13</sup> Henry Adams, "The Tendency of History," in *The Degradation of the Democratic Dogma*, pp. 125–33 (hereafter cited as "Tendency"), at pp. 126, 127, 128 (see also *Letters II*, p. 49); *Cater*, pp. 558–9.

<sup>14</sup> Henry Adams, "The Rule of Phase Applied to History," in *The Degradation of the Democratic Dogma*, pp. 267–311 (hereafter cited as "Rule"), at p. 310.

<sup>15</sup> Force Adams defined as "anything that does, or helps to do work." Scientific hypotheses as well as reason itself were seen as but dependent, contingent forces. *Education*, pp. 388, 474; "Letter," p. 208.

<sup>16</sup> "Between the dynamo in the gallery of machines and the engine-house outside, the break of continuity amounted to abysmal fracture for a historian's objects. No more relation could he discover between the steam and the electric current than between the Cross and cathedral." *Education*, p. 381.

<sup>17</sup> See "Rule," p. 308, also see *Cater*, p. 529 where Adams looks roughly 100 years ahead, or *Letters II*, p. 83, where he speaks of 200 years. Later, a triangulation of the development of the ocean steamer brings him to 1927; he allusively maintains, however, that an expert study of the progression of explosives would provide the best data. *Education*, pp. 341–2; see also *Cater*, p. 533; *Letters II*, p. 616.

Projection became possible the moment he was struck by two things: the critical breaks between periods came ever closer together and, in every new period, human energy had increasingly dissipated. This led him to conclude (1) that the dates of equilibrium change are set by a law of acceleration, specifically the law of inverse squares, and (2) that social and intellectual energy is in an ever-accelerating state of disintegration and leveling out—not in fine gradations but in jumps. It was the law of inverse squares which led him to extrapolate, and talk about, an ethereal period. If the base period were really correct, the ethereal one, as he called it, would last from 1917 to 1921, the year in which man, unable to hold off the force of nature, would finally lose control. As the Virgin was the symbol for the age of religious fetishism, as the dynamo was the symbol for that of electricity, so radium symbolized this last phase of man. Its ethereal nature made discussion of it necessarily vague, though Adams was never inhibited about characterizing a present which implied a future:

The play of thought for thought's sake had mostly ceased. The throb of fifty or a hundred million steam horse-power, doubling every ten years, and already more despotic than all the horses that ever lived, and all the riders they ever carried, drowned rhyme and reason. No one was to blame, for all were equally servants of the power, and worked merely to increase it. . . .

Modern politics, is, at bottom, a struggle not of men but of forces. The men become every year more and more creatures of force, massed about central power-houses. The conflict is no longer between the men, but between the motors that drive the men, and the men tend to succumb to their own motive forces.

Power leaped from every atom, and enough of it to supply the stellar universe showed itself running to waste at every pore of matter. Man could no longer hold it off. Forces grasped his wrists and flung him about as though he had hold of a live wire or a runaway automobile. . . .

These things he wrote in the *Education*. But already three years before he had told his brother Brooks that it was his belief "that science is to wreck us, and that we are like monkeys monkeying with a loaded shell. . . . It is mathematically certain to me that another thirty years of energy-development at the rate of the last century, must reach an *impasse*."<sup>18</sup>

The conclusions of the physical sciences of Adams' day proved to be all too easy to use for support and extension of his own insight. Adams welcomed Lord Kelvin's second law of thermodynamics less as scientific hypothesis than as final truth. Here was an authoritative, handy formulation stating the universality of entropy. The fact that man, like nature, would come to a dead end, both being subject to the same law, Adams was wholly ready to accept, solicitously noting that man, whose mass was strikingly less great than nature's, would meet annihilation first.

<sup>18</sup> *Education*, pp. 408, 421-2, 494; *Cater*, p. 529. See also his letters in Worthington Chauncey Ford, ed., *A Cycle of Adams Letters: 1861-1865*, 2 vols. (Boston, 1920, hereafter cited as *Cycle*), Vol. I, p. 135, and *Cater*, p. 504.

In responding to this formula uncritically, he surely betrayed his temper.<sup>19</sup> Yet an inner check kept the betrayal from being complete. However dogmatic he could sound when making predictions, with whatever exactitude and certainty he might make his repeated announcements of impending catastrophe, he actually accepted no law of physics as conclusive. He never quit the great debate, never let up reviewing the literature of science. On the contrary, he doggedly continued his search for "a spool on which to wind the thread of history without breaking it," his search for some "object which was more than mere plaything, hypothesis, or force among forces."

To the tired student, the idea that he must give it up seemed sheer senility. As long as he could whisper, he would go on as he had begun, bluntly refusing to meet his creator with the admission that the creation had taught him nothing except that the square of the hypotenuse of a right-angled triangle might for convenience be taken as equal to something else.

Knowing his own theory provided no answer—that his answers were not generated by his science—he kept raising his question of what might account for man's behavior, of what might give it meaning. And for Adams, there was to be no conclusive victory over the facts of history. While the extent of his discernment has been remarkable enough to all students of his work, the world did remain mysterious, irreducible to any set of symbols. Order might be the dream of man, but chaos persisted as the law of nature. The sequence of history, of society, of men, had led to nothing; the relation of cause and effect was artificial; the sequence of thought was unintelligible. There was to be no formula. Adams laid claim to no meaning. He offered no conclusion, either to philosopher or ruler.

... in the chaotic and unintelligible condition in which I found—and left—the field of knowledge which is called History, I became overpoweringly conscious that any further pretence on my part of acting as instructor would be something worse than humbug. . . . As History stands, it is a sort of Chinese Play, without end and without lesson.

History remained "a tangled skein that one may take up at any point, and break when one has unravelled enough. . . ." The historian, it turned out, was purely arbitrary. What end or purpose might be discerned in history, the historian had supplied it. History, beyond all appearance, had no goal or purpose. All Adams could see, at the end, was endless flux and change—no necessary development.<sup>20</sup>

Ultimate reality was to him nothing but motion, nothing but force and its intensity.<sup>21</sup> Consequently no perceived particulars could be related to anything

<sup>19</sup> He seems to have known as much. In 1891 he wrote to Elizabeth Cameron, "Unfortunately I am cursed with the misfortune of thinking that I know beforehand what the result must be. . . ." (*Letters*, I, p. 458). And in 1910 he ironically wrote his brother Charles that he had provided "the logical and mathematical demonstration that the human race is going to end when I do. . . ." (*Letters* II, p. 551.)

<sup>20</sup> *Education*, pp. 302, 382, 451, 472, *Letters* II, p. 119 (see also *Education*, pp. 303, 306, 353).

<sup>21</sup> *Education*, p. 282; "Rule," p. 310.



but one another—a conclusion which even physical science was compelled to reach.<sup>22</sup> If motion is all, if everything is relative, there can be no durable truth—and Adams knew it: “when he came to ask himself what he truly thought, he felt he had no Faith. . . .” For a while, he said, he believed in the truth of Darwinism. But he was certain “that whenever the next new hobby should be brought out, he should surely drop off from Darwinism like a monkey from a perch. . . .”<sup>23</sup> He knew “that the idea of one Form, Law, Order, or Sequence had no more value for him than the idea of none; that what he valued most was Motion, and what attracted his mind was Change.” And he added that he “was the first in an infinite series to discover and admit to himself that he really did not care whether truth was, or was not, true.” In the absence of truth, there could be no success, for there would be nothing to measure it by. In the absence of any point of orientation, there could only be the aimless pursuit—“the pursuit of ignorance in silence” which had “led the weary pilgrim into such mountains of ignorance that he could no longer see any path whatever, and could not even understand a signpost.”<sup>24</sup> There was, indeed, no ground for support, no point from which to survey self or world. One might search for a reliable order, but Adams had foreknowledge of the necessary defeat.

## II

To support Henry Adams' intellectual position, truly to embrace it, is to block all alternatives, to absolute, intensely personal despair. To believe, without compromise, without qualification, (1) that, in the final analysis, everything about man, about society, about history, about the universe itself, everything which man himself has not fabricated, is totally mysterious, (2) that, again in the final analysis, there is no point to anything, that nothing has intrinsic significance, that nothing is coherent except that which man himself has forced to cohere, (3) that man is but a force—a self-generating, self-activating, self-replenishing one—in a universe of forces, that all is ultimately force, and (4) that no particular event, no discrete thing, is autonomous but, when truly understood, related to some substructure of forces—to value and act on this combination of propositions is to permit the human enterprise to become literally unbearable.

The despair of this position has always invited attempts to bear up by removing the conflict between the self and the environment, to gain direct, immediate knowledge of the nature of things, to dispense with the ambiguities of all forms of mediation—basically those of language. It is revealing to note to what extent Adams himself edged toward the various forms assumed by man's desperate effort to reach spiritual truth directly, to bridge the gap between the self and the universe. Thus he significantly played with self-annihilation, making overtures to both total quietism and unreserved activism.

<sup>22</sup> *Ibid.*, pp. 227–8, 434.

<sup>23</sup> *Ibid.*, pp. 231–2. He concludes, not surprisingly, that “he was a Darwinian for fun.” See also *Cater*, p. 648.

<sup>24</sup> *Education*, pp. 328, 433.

Those who have covered Adams' trail, his friends, critics, and biographers, have unearthed no record whatever of suicidal thoughts he might have entertained. But his abiding "hunger for annihilation," his conscientious effort to deny himself, has been fully evident. "I have deliberately and systematically effaced myself," he wrote Brooks in 1895, "even in my own history." He managed to keep himself concealed again and again—publishing anonymously, resisting every portrait photographer, unwilling "to talk or write or appear," refusing to address the American Historical Association, turning away from the honorary degree Harvard offered to bestow upon him, contriving to objectify himself by keeping the first person singular out of the account of his life.<sup>25</sup>

His same inability to come to terms with himself, his same inability to see the self as essentially and ultimately meaningful, found expression in an approval of a straightforward activism which makes it perfectly explicable that Adams conceived of mindless selfishness as "the only spring of success," and confessed, "I like best Bergson's frank surrender to the superiority of Instinct over Intellect. You know how I have preached that principle, and how I have studied the facts of it. In fact I wrote once a whole volume . . . in order to recall how Education may be shown to consist in following the intuitions of instinct."<sup>26</sup> It was in one of the most impressive passages of this volume that Adams paid his respect to the education of his grandfather. On one summer morning, he recalled, the old President had done with unreasoning, silent display of authority what, of necessity, *had* to be done—taken the rebellious Henry to school, and "without a word."<sup>27</sup> This inclination, an admittedly permanent one, to appreciate that silent strength and mastery which needs no apologetic other than its massive effectiveness, which justifies itself by virtue of its sheer potency, is a natural enough conclusion from Adams' premises. Assuming that none of the particular things within human experience can have meaning, he might nonetheless have conceived of the undifferentiated whole as meaningful. But to accept as meaningful only the universe in its awful entirety is to deprive oneself of any ground for making distinctions and discriminations, for caring about parts and articulations. Knowledge of such a universe must remain inexpressible, beyond symbolization, language, discourse. It is not surprising, therefore, that if reflection on the universe as well as on history is not enough to teach man anything—permitting him only to make what he will or to enjoy his nonsensical tautologies—all he can do, if act he must, is to act without reflection, without thought. While thoughtful action may still seem possible in the absence of a meaningful cosmos, it must lack a basis beyond the subjectivity of individuals, becoming altogether optional. Dependent on utility and

<sup>25</sup> *Cater*, pp. xlvii, 36, 328, 519, 596, 647, 770; *Letters* II, pp. 8, 10–11, 70. To the editor's preface of the *Education*, actually written by Adams, he obtained permission to attach Henry Cabot Lodge's name. (*Cater*, pp. xc, 523.)

<sup>26</sup> *Cater*, p. 520; *Letters* II, p. 524.

<sup>27</sup> *Education*, pp. 12–13. For a possibly contrasting view of "men who sprang from the soil to power," see p. 265.

efficiency, thought must appear either as a variety of action, as mere instrument for domination, or else as wasteful check on action and expansiveness.

It is in one of Adams' poems, "Buddha and Brahma,"<sup>23</sup> that he goes the mystic's complete circle from uninhibited, spontaneous activism to acceptance and quietism. Just as he had asked himself about the terminus of history, so in this poem the Buddha is asked whether the world is eternal. Responding, but making no sound,

The Buddha raised the Lotus in his hand,  
His eyes bent downward fixed upon the flower.  
No more!

To the son of the Rajah of Mogadha, an active ruler and warrior, this mysterious gesture begs for interpretation. He asks his father to explain. But the Rajah refuses, urging his son, "*Think not! Strike!*" He adds that all his "wisdom lies in these three words." Having been pressed to give the gesture meaning, the Rajah finally affirms:

The Universal has no limit. Thought  
Travelling in constant circles, round and round,  
Must ever pass through endless contradictions,  
Returning on itself at last, till lost  
In silence.

And it is again on this note that the poem concludes:

Life, Time, Space, Thought, the World, the Universe  
End where they first begin, in one sole Thought  
Of Purity in Silence.

Whatever law there might be, whatever the answer to Adams' question, it defies denotation and symbolization. Whatever unifying principles may exist, whatever constitution there is for man and society, it is beyond human articulation. The keenest exercise of the intellect and the most refined apprehensions of the sensibilities can teach man nothing but the wisdom of silence. Writing to Mabel La Farge in 1898, Adams professed that

if I had a commission from the Infinite to concentrate all practical wisdom in the most condensed form of dying advice to my fellow beings, I should without a moment's hesitation say to Infinite Wisdom: "Hold your tongue and mind your own business!"

When reason is useless, when thought merely travels "round and round," when certain knowledge is ever contradicted, one is driven to the "study of . . . ignorance in silence," revering St. Francis' way of repudiating "the thread spun by the human spider" as "the most satisfactory—or sufficient—ever offered." When all relations between facts are hypothetical, nothing can be affirmed with certainty: "The student had nothing to say. For him, all opinion founded on fact must be error, because the facts can never be complete, and their relations must be always infinite." Realizing "he could teach his students nothing"—that is, nothing truly educating them—"the greatest good he could do them

<sup>23</sup> *Yale Review*, Vol. 5, pp. 82-9 (October 1915).

was to hold his tongue." There being no final science of history, it became necessary to stress, as Adams did, that "silence next to good temper was the mark of sense." "The situation seems to call for no opinion," he wrote in "The Tendency of History," "unless we have some scientific theory to offer. . . ." Either a finished theory—or nothing.<sup>29</sup>

### III

This existentialist, puritanical strain—one which makes all talk of God turn into blasphemy—is profoundly anti-humanistic. In being silent, man inescapably voids all expression, all discourse, fabrication, and art. Yet Adams' life and works contradict precisely such anti-humanism. If Adams mystically sought self-annihilation, spontaneous activism, or total quietism—if indeed he approached the mystic's conclusive solution of a conflict which, unresolved, drives man to despair—he always stopped short of actually embracing it. It is fascinating, in fact, to watch Adams move toward the mystic's final co-ordination—and to see him shrink back. Thus from Ceylon he banteringly wrote that he had gone "to the sacred bo-tree, which is now only a sick shoot or two from the original trunk, and under it I sat for half an hour, hoping to attain Nirvana. . . . I left the bo-tree without attaining Buddhahip."<sup>30</sup> Never giving up the various forms of expression, he compromised his mysticism. Consistently, if wistfully, he nullified the basis for his attempt to strike through paradoxes to some inexpressible holy synthesis. His self-depreciation was never quite complete.<sup>30a</sup> His quietism was as constantly restrained as his activism. His pursuit of ignorance in silence was after all what he had reluctantly called it: his "final profession."<sup>31</sup> He had always fully responded to the example provided by Henry James in a letter he addressed to Adams in 1914:

*Of course we are lone survivors, of course the past that was our lives is at the bottom of an abyss—if the abyss has any bottom; of course, too, there's no use talking unless one particularly wants to. But . . . one can, strange to say, still want to—or at least can behave as if one did. Behold me therefore so behaving—and apparently capable of continuing to do so. I still find my consciousness interesting—under cultivation of the interest. Cultivate it with me, dear Henry. . . . You see I still, in presence of life (or of what you deny to be such,) have reactions—as many as possible—and the book I sent you is a proof of them. It's, I suppose, because I am that queer monster, the artist, an obstinate finality, an inexhaustible sensibility. Hence the reactions—appearances, memories, many things, go on playing upon it with consequences that I note. . . ."*<sup>32</sup>

Undeniably, Adams did act on the suggestion that, although the world is black, although all is pointless, one can yet want to go on, keep talking, culti-

<sup>29</sup> *Cater*, p. 434; *Education*, pp. viii, 306, 310, 367-9 and 501; Henry Adams, *Mont-Saint-Michel and Chartres* (New York, 1904), ch. 15; *Letters* II, p. 119; "Tendency," p. 133. The counsel of silence pervades Adams' writings: see also *Letters* I, p. 301; *Letters* II, pp. 70, 122-3, 317, 445, 468, 552; *Cater*, pp. 235-358, 475, 496, 519, 521, 524; *Education*, p. 358.

<sup>30</sup> *Letters* I, p. 526. His relation to Catholicism may be similarly characterized; see Jordy, *op. cit.*, p. 286, n. 90.

<sup>30a</sup> See *Education*, pp. 305, 462.

<sup>31</sup> *Ibid.*, p. 369; emphasis supplied.

<sup>32</sup> Percy Lubbock, ed., *The Letters of Henry James*, Vol. II, pp. 360-1 (New York, 1920).

vate interests, react, and take note. While he was certain that there were no certainties, that therefore all was absurd, he not only kept on looking, for he was an insatiable traveler, but also kept on professing, articulating, writing. He never ceased taking part in the perennial human debate and thus never completed his alienation from society, hanging on as its diffident participant while ever departing from it.<sup>33</sup>

This unresolved tension between engagement and disengagement persisted. To maintain it, Adams invariably avoided giving his convictions secular power. He consequently communicated no sense of commitment to any dogma, remaining exasperatingly fuzzy and inconclusive to every generation of readers of the *Education*. He notably failed to *argue* any position to its terminus, aware that in an America enjoying its gilded age no opponents could be enlisted in systematic debate.<sup>34</sup> There was, he lamented, no audience: "No one cares." In an America pervaded, as Louis Hartz has shown, by an irritatingly effective, all-corrosive liberalism, Adams was unable to come to the point and challenge the national creed head-on.<sup>35</sup> It was his very indirectness, supported by the doctrine that there were no certainties, that kept him from feeling free either to create his own truth or, by a shock of recognition, to intuit some specific truth immanent in history. Thus he rejected the Nietzschean view that the artist-historian should impose on his material and simply fabricate his myth no less than the Hegelian one that History is permeated by Spirit moving in a determinable way. He never arbitrarily filled the nothing he encountered: he patented no Dialectic, identified no True Leader, held no brief for Reason manifest, designated no Elite, Party, or Race.<sup>36</sup> That he institutionalized no insight, translated no transcendental truth into secular reality, imposed no law of science, is worth emphasizing for it distinguishes his effort from historicism such as that of Marx and Engels. Whatever law there seemed to be, whatever science appeared to be true, for Adams it required infinite qualification. Thus he found it easy to call his "Rule of Phase" his last plaything, "not

<sup>33</sup> Even where he might be tempted to rationalize his failure, he admits his desire for power (*Education*, pp. 263, 358-9). In 1862, he wrote to Charles Adams, "But what we want is a school. We want a national set of young men like ourselves or better, to start new influences not only in politics, but in literature, in law, in society, and throughout the whole social organism of the country—a national school of our own generation." *Cycle I*, p. 196. The *Education* and the "Letter," too, were intended "to serve a social purpose," *Cater*, p. 781; *Letters II*, p. 524; see also Jordy, *op. cit.*, pp. 250-5.

<sup>34</sup> How hard Adams tried may be seen in his review of Charles Lyell's *Principles of Geology* where, as he confessed later, "he resorted to what he thought the bold experiment of inserting a sentence in the text, intended to provoke correction." (*Education*, p. 227.)

<sup>35</sup> *Cater*, p. 621; see also pp. 330, 644-5, and his letter to Henry Holt, p. 455. To Henry James, Adams wrote in 1903, "We knew nothing—no! but really nothing! of the world. One cannot exaggerate the profundity of ignorance of Story in becoming a sculptor, or Sumner in becoming a statesman, or Emerson in becoming a philosopher. Story and Sumner, Emerson and Alcott, Lowell and Longfellow, Hillard, Winthrop, Motley, Prescott, and all the rest, were the same mind,—and so, poor worm!—was I . . . Improvised Europeans, we were, and—Lord God!—how thin!" (*Letters*, II, p. 414.)

<sup>36</sup> This is not to deny his doctrinaire economic notions or his ingenuous anti-Semitism.

meant to be taken too seriously"; he noted he was a Darwinian "for fun"; he regarded his "Letter to American Teachers of History" as a "fable," as a "form of humor." And by holding that the relation between facts must be always infinite, he put every relation between facts, every correlation, in doubt—making all statements equivocal, leaving all histories ambiguous, inverting every formulation until it affirmed its opposite, and then denying that too. His assertion that "no one means all he says, and yet very few say all they mean, for words are slippery and thought is viscous" can well stand as his final disclaimer.<sup>27</sup>

To see Adams employ this process of integrating ambiguities is to see the artist at work. The artist can provide a dimension for understanding politics and society whenever he disciplines his implacable urge to negate the world, whenever he harnesses the impulse which makes him shatter, as André Malraux has argued, the forms he has inherited. In qualifying and requalifying whatever did find expression, whatever did become manifest, Adams expressed himself ironically, elliptically, artistically. It is as artist that he used symbols pointing at both the obvious and the concealed. By plausibly relating the concealed to the obvious, he denied what is affirmed, cancelled what is credited. He thus helped make the unbelievable believable, the impertinent pertinent, the unconventional conventional. To carry this off, the artist must be playful.<sup>28</sup> He must be entertainingly, dramatically serious in order to lead man into the dark caverns of experience—caverns he lights up, illuminating what without the light touch would be unbearable. And yet he will keep men from embracing and fighting for the very truth he has revealed, committed as he is to mock that too. At his finest, which is also at his most anti-social, he cannot help but reveal that whatever implausibility his exploration has made plausible it too is streaked and freakish, not to be taken in earnest, something already too comfortable to justify human discomfort, too domestic to merit sacrifice.

The result of the artist's elliptical method—if it is successful—is to provide a fuller view of any specific situation, to broaden perceptions, enhance imaginative sympathies, heighten and refine consciousness. The capacity for this Adams himself discerned in the artist John La Farge:

Of all his friends La Farge alone owned a mind complex enough to contrast against the commonplaces of American uniformity. . . . The American mind—the Bostonian as well as the Southern or Western—likes to walk straight up to its object, and assert or deny something that it takes for a fact; it has a conventional approach, a conventional analysis, and a conventional conclusion, as well as a conventional expression, all the time loudly asserting its unconventionality. The most disconcerting trait of John La Farge was his reversal of the process. His approach was quiet and indirect; he moved round an object, and never separated it from its surroundings. . . . One was never quite sure of his whole

<sup>27</sup> *Letters* II, p. 515, n. 1; *Education*, p. 352 (see *Cater*, p. 682); *Letters* II, pp. 524, 531; *Education*, pp. 410, 451.

<sup>28</sup> Thus Adams thought Raymond Poincaré's "artistic measure" was precisely his "light touch." *Education*, p. 455. " 'Discuss serious things lightly and light things seriously,' was one of his rules of good conduct. . . ." *Cater*, p. lxvii. See also his letter to George Cabot Lodge, *Cater*, pp. 540–3.

meaning until too late to respond, for he had no difficulty in carrying different shades of contradiction in his mind.<sup>39</sup>

Keeping contradictions in suspense, the artist projects possibilities which it is unconventional to consider. Taking stock for individuals too absorbed in their immediate environment, too captivated by present urgencies, the artist will expose their usual business and politics as incomplete ventures, as meager pre-occupations, as flat and stale and unpromising. Developing new analogies and utopias, he may detect riches men fail to appreciate. And pointing to the concrete sources of vitality and impotence which tend to escape extremists—activists too much in touch and quietists too much out of touch—he may not only emancipate men from the dictates of the past but also provide a basis for mediation and reconciliation. Sensitive to continuities he may chasten those who are merely expansive and fitful. He may make it possible for men to re-order and stabilize their existence, in the words of Herbert J. Muller,<sup>40</sup> “by systematically complicating all issues, stressing the defects and the excesses of all values, insisting on tension, imbalance, uncertainty, and contradiction . . . by ironically qualifying the great triumphs and reverently qualifying the great failures. . . .”

To do this is to deprive any particular era or generation of its balance and success. By proclaiming himself to be a failure—by so labelling all of his impressive achievements—Adams outwitted expectations and implied that no one had really encountered success, that his contemporaries were far from triumphant, that it was rash to consider the time of his lifespan as one of equilibrium and fulfillment for American politics and statesmanship. In placing in a wider context the manners and formulas of an America which had yet to come of age, he perceived characteristics to which his compatriots were blind. He saw complexities where others saw simplicities, challenging the prevailing definition of practicality and efficiency, the formula of progress, the belief in inevitable victory, the faith in the necessary destiny of American democracy.

By creating the complicating perspectives which placed American experience in a new light, by establishing new relationships, Adams redeemed a scientific failure which was unmitigated and genuine. For he offered a statement—given actuality in the very way he shaped his life—which is at once elegant and humanistic. Seemingly denying everything, he still affirmed good form—including a deep responsibility to the integrity of the philosophical and scholarly quest. In implying that if men must waste their resources and fail it is imperative that they do so with dignity, he reveals his values—values which the assumptions of his science had to discredit. His immense “failure”—and now the word must be put in quotes—is significant: for he was successfully sustained not by his scientific conclusions but by his artistic commitment. Indeed, he fought heroically: recognizing the necessity of defeat he remained intellectually upright, un-

<sup>39</sup> *Education*, pp. 369-70.

<sup>40</sup> *The Uses of the Past* (New York, 1952), p. 24. Muller is discussing not the task of the artist but the tragic view of history.

humiliated by nature.<sup>41</sup> Yet it is obvious that the way Adams redeemed his failure as scientist could not lead him to the only education, the only success, he valued—success in formulating a model for comprehending society, in making society the subject of law.

## IV

Whether the task is to affect historical events or to gain understanding of them, Adams offered two methods, one by explicit statement, the other by the way he himself proceeded. Events may be dealt with either by the physicist-historian or else by the artist, either by those who master the forces of society or those for whom every view, every conclusion, is too provincial, too specific, too narrow. Characteristically, Adams jeopardized the validity of both methods. Thus he had held not only that scientific, positive history led to nothing but also that art, as a critical, negativist enterprise, had its limits no less: "The mania for handling all the sides of every question, looking into every window, and opening every door, was, as Bluebeard judiciously pointed out to his wives, fatal to their practical usefulness in society."<sup>42</sup> Yet Adams never followed up his doubt. He never openly stated that neither of his alternative approaches makes it possible to deal with the events of this world in a reasonable manner, that is, by persuading men in terms of a rationally held and defended standard, one which is on the one hand admittedly less final than a Law of History but on the other immune to the irresponsible relativism implicit in the artistic method, a standard exposed to the impact of debate but beyond the endless mockery of irony. Only by acknowledging the relevance of such standards, of such political theory, is it possible (1) to conceive of "an eternity of Grants, or even of Garfields or Conklins or Jay Goulds" and, more importantly, (2) to deal with them by political, non-violent means. In the face of every imperfect, chaotic array of politicians, in the face of the innumerable gradations of human error, Adams counseled either control of conflicting social forces in terms of a determinate, absolute law or else suspension of all articulation. Thus it was easy for him to write, for example, that he saw "no hope for the government [the McKinley Administration] short of sweeping it out of existence."<sup>43</sup> Man had to impose forcefully upon politics or else decline to take it seriously.

The temptation, some fifty years after Adams' prime, to accept as well as act on the dilemma he posed, to treat his alternative roads to truth as the *only* valid ones, has certainly been strong. His way of obtaining education might

<sup>41</sup> One of the characters in *Democracy*, cast as a successful Massachusetts historian but an ineffectual diplomat, is made to say, "Let us be true to our time . . . ! If our age is to be beaten, let us die in the ranks. If it is to be victorious let us be the first to lead the column. Anyway, let us not be skulkers or grumblers." Since the speaker is a pessimist and cynic, this view is made all the more arresting. See also *Cater*, p. 449.

<sup>42</sup> *Education*, p. 232. In 1862 he had already written that a mind to which "evil never seems unmixed with good" and to which "good is always streaked with evil . . . a mind which is not strongly positive and absolute, cannot be steadily successful in action. . . ."  
*Cycle I*, p. 195.

<sup>43</sup> *Cater*, p. 458; see also *Letters II*, p. 100.



therefore help shed light on the possibilities of that flourishing modern social science which, like Adams', is motivated by the desire to find theoretical models for a social universe lacking in intrinsic meaning, and which reaches out to order the accidents of history, to master the variables of behavior. This motive and goal pervade present-day research precisely to the extent that it assumes that all sequences of events and all allocations of resources are fundamentally arbitrary and artificial, that all norms, standards, or values are formed by man to serve his needs or escape his secular predicaments, and that the *de facto* universe is devoid of purpose and meaning.

In a universe wholly free of imperatives, devoid of meaning, lawless in its very essence, social scientists may experience an exhilarating sense of liberation—not, of course, liberation from the formidable institutional and organizational pressures of society, but from restrictive theory. In such a universe, social science is free to impute norms, standards, or values.<sup>44</sup> It proceeds by modestly offering its imputations as hypothetically posited conceptual systems. "More and more," one sympathetic student of the work of social scientists has concluded

their self-conscious ambition is the same as that of the natural scientists, to create a set of highly determinate theories for the explanation of empirical social phenomena. Increasingly they are learning the significance and functions of abstract and systematic conceptual schemes.<sup>45</sup>

These schemes, it is hoped, will provide reliable scientific knowledge—the kind justifying unreserved commitment, the only kind which Adams would have credited with the value of education. They will tie the random forces of history together. Composed of the neutral terms that relate variables, they will constructively furnish unambiguous inferential links among the multiplicity of experienced facts, among the mass of historical data. Created free from a politics of compromise, free from the presuppositions of such politics, they will constitute a unified, artificial order of unequivocal connecting terms. Ideally, they will be a social constitution, but one purged of the subjectivism, the ambiguity, the variability of constitutions men have framed so far. They will not satisfy the conditions of an objective, positive, natural science of society as long as subjective, emotional, value-laden terms remain unreduced. Hence all language

<sup>44</sup> Adams was to recall that he had "sat down as though he were again a boy at school to shape *after his own needs* the values of a Dynamic Theory of History." In order "to become effective" he had "to invent a formula of *his own* for his own universe. . . ." (*Education*, pp. 472-3; emphasis supplied.)

<sup>45</sup> Bernard Barber, *Science and the Social Order* (Glencoe, Ill., 1952), p. 244. The following treatises might be mentioned: Stuart C. Dodd, *Dimensions of Society: A Quantitative Systematics for the Social Sciences* (1942); Herbert A. Simon, *Administrative Behavior* (1948); George C. Homans, *The Human Group* (1950); Harold D. Lasswell and Abraham Kaplan, *Power and Society: A Framework for Political Inquiry* (1950); Nicolas Rashevsky, *Mathematical Biology of Social Behavior* (1951); Talcott Parsons, *The Social System* (1951); Marion J. Levy, Jr., *The Structure of Society* (1952); Roy R. Grinker, ed., *Toward a Unified Theory of Human Behavior* (1956); see also *Behavioral Science*, a journal which began publication in 1956.

tainted by values must be eliminated. Vague standards must be converted into precise indices, into frameworks or constitutions capable of assuming abstract, mathematical form.<sup>46</sup> At their best, social scientists must design a thoroughly refined notational order untarnished by emotive blots, moral considerations, subjectively felt data, and historical bias.

This order will not be conditioned or checked by the changeable, variable factors of human history. As an absolute, it will be radically unhistorical, compressing past and future into a timeless frame. It will be a perfect accounting system, exhaustively taking care of all contingencies, dissolving all novelties and peculiarities by revealing them to be parts of harmonious universals. When suitably embraced, what appears as incongruous and paradoxical will disclose itself as congruent and unified. Once established and refined, a full set of generalizations, losing its hypothetical character, will fully establish the real organization of the facts of social life. Structured by an objectively valid theory, the social continuum, no different from the natural one, will be understood. Thus it should be possible, in principle, for the social scientist to know in terms of what rational structure to arrange society, control every baffling idiosyncrasy, integrate every deviant.

It is Adams' work, the way he had sought education, which can make clear both the activism and the elitism this approach must imply. A social or historical science resolving to become positive by operating on the epistemological premise of the physical sciences, admitting as final knowledge only what has been tested by an artificial, non-natural operation, and treating everything else, including its assumptions, as merely hypothetical, probable, or variable—such a science is compelled by its logic to resort to testing, to setting up operations, to be productive and get results. It must be engaged in experimentation to obtain knowledge, for it considers only that true which it has constructed, manipulated, put to the test.<sup>47</sup> Indifferent toward the limits of history and the standards which transcend it—provoked by all manifestations of freedom and prepared to reduce them—such a science must seek to grasp variables in practice, ordering them, pinning them down, bringing about what Adams called "the despotism of artificial order."<sup>48</sup> Thus its goal, admittedly far from realized, is to incarnate the trans-historical theory it posits, to translate, as Marx had envisaged, abstract philosophy into concrete action, to make the real blend with the ideal.<sup>49</sup>

It is no wonder that Adams was led to note the conflict between such a science and those who would defend their freedom,<sup>50</sup> that he confessed in a

<sup>46</sup> As Adams discerned, "Ignorance required that these political and social and scientific values of the twelfth and twentieth centuries should be correlated in some relations of movement that could be expressed in mathematics . . ." (*Education*, p. 376). He frequently regretted his ignorance of mathematics; see, for example, *Letters* II, p. 519.

<sup>47</sup> See *Education*, pp. 458, 488.

<sup>48</sup> *Ibid.*, p. 458.

<sup>49</sup> See Adams' letter to Taylor, cited in n. 13, above.

<sup>50</sup> "Tendency," pp. 128-9.

cryptic comment to have written his "Letter to American Teachers of History" to ask them "what they are going to do about socialism."<sup>51</sup> Moreover, he could scarcely have been pleased by the prospect of a control of social forces so total that men would find themselves living in a realm in which spontaneity and necessity were indistinguishable. If, however, he entertained doubts about all prospects, he must have doubted the inevitability of the potential triumph of social science. Yet the only basis for such doubt is the belief in the possibility of appealing to an incommensurable human quality, the faith in the continuing possibility of using language to educate and enlighten men, the expectation that they will tend to act rightly once they are made aware of what they do, once they are led to see the tension between the real and the ideal, once the artist has raised the implications of their actions to a level of consciousness which makes them feel uncomfortable and rebellious. Adams' resignation was never so complete as to cause him to repudiate this faith or shirk the work it demands. For he had emphatically seen it as his duty "to fit young men, in universities or elsewhere, to be men of the world, equipped for any emergency. . . ."<sup>52</sup> If despite all his digressions he ultimately clarified the failure of positivist science and negativist art to provide a sufficient grounding for dependable knowledge of man and society, he may have equipped the student better than he had reason to hope.

<sup>51</sup> Waldo G. Leland, quoted in *Cater*, p. xciv. See also *Letters II*, p. 537.

<sup>52</sup> *Education*, p. x.

## J. ALLEN SMITH: JEFFERSONIAN CRITIC OF THE FEDERALIST STATE\*

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It is a commonplace that every period rewrites history in the light of its own problems, and with the aid of wisdom after the event. Changes in the climate of opinion and shifts in the winds of doctrine naturally bring the contributions of earlier thinkers under new scrutiny. Today the mood of critical reassessment is strong, for a significant shift has taken place in English and American political opinion during the past decade; the temper of the times is not visionary, but revisionist, and the pull is not toward revolution, but toward revaluation. The spate of books and articles on the "new conservatism," the "new right," and the "conservative tradition," however, and if ever, defined;<sup>1</sup> the reconsiderations of liberal and reformist thought;<sup>2</sup> the succession of Michael Oakeshott to the chair of Harold J. Laski; the recantations of repentant liberals, and the curious spectacle of revolutionaries triumphantly in reverse; the vogue of Burke and De Tocqueville; and even the difference between D. W. Brogan's earlier acid etching of the American political scene and his recent essay in contentment,<sup>3</sup> all make clear in their varying ways that times have changed.

Louis Hartz has recently said that, "in American social studies we still live in the shadow of the Progressive era."<sup>4</sup> The political and social thinkers who laid the intellectual foundations of Progressivism have long enjoyed the flattery of imitation; surely they also deserve the tribute of reappraisal. It would be churlish, while still standing on their shoulders, smugly to proclaim their feet of clay. But to scan the horizons today we need a different footing. Certainly J. Allen Smith, whose political ideas are the subject of this essay, would wish us to avoid the error of Hway: "*Hway, said Confucius, is of no assistance to me; there is nothing that I say in which he does not delight.*"<sup>5</sup>

One of the most vigorous and incisive voices of the Progressive era, J. Allen Smith was a lawyer who found the ministry of municipal litigation and village

\* This article is a revision of a paper read at the Pacific Northwest Political Science Association meeting at Moscow, Idaho, April 1955.

<sup>1</sup> *The New American Right*, ed. Daniel Bell (New York, 1955); Russell Kirk, *The Conservative Mind* (Chicago, 1953); Clinton L. Rossiter, *Conservatism in America* (New York, 1955).

<sup>2</sup> Eric F. Goldman, *Rendezvous with Destiny* (New York, 1952); Louis Hartz, *The Liberal Tradition in America* (New York, 1955); Richard Hofstadter, *The Age of Reform* (New York, 1955).

<sup>3</sup> D. W. Brogan, *Government of the People* (New York, 1933); *Politics in America* (New York, 1954).

<sup>4</sup> Hartz, *op. cit.*, p. 27. Professor Hartz suggests that Progressives like Beard, Smith, Parrington, Louis Boudin, and Gustavus Myers did not really grasp the America in which they lived (p. 237).

<sup>5</sup> Carl L. Becker, *Everyman His Own Historian* (New York, 1935), p. v.

vexation<sup>6</sup> too confining, took a doctorate in economics at the University of Michigan in 1894, and then set forth on an academic career. But the blade of his mind cut too sharply across the grooves of academe, and he was dropped from his first brief post: "the hornets are quick with their stings if the nest of privilege is disturbed."<sup>7</sup> Thenceforth he carried out his "exposition of the gentle art of thwarting the majority will by legal and constitutional means"<sup>8</sup> at the University of Washington where he was professor of political science from 1897 until his death in 1924, a span of years which marked the rise and decline of the Progressive movement.<sup>9</sup> A fearless and stimulating teacher, he was a respecter neither of prescriptive privilege nor of stuffed shirts. He called a spade a spade, he called the Constitution of the United States a reactionary document, and he is now perhaps best remembered as a main forerunner of Beard's economic interpretation.<sup>10</sup> His ideas influenced Theodore Roosevelt, William Allen White, Robert M. La Follette, and many other Progressive leaders. Although his fame today is faded, Parrington's great study dedicated to his memory, "scholar, teacher, democrat, gentleman, he was the friend of all who love justice,"<sup>11</sup> is a monumental reminder of his name. In the late 1930's Odegard and Helms inscribed their book on American politics to his memory,<sup>12</sup> and American government students still make his acquaintance in Christensen and

<sup>6</sup> The phrase is Edmund Burke's. *Reflections on the French Revolution*, Everyman's Library edition (London, 1953), p. 40.

<sup>7</sup> Vernon L. Parrington, Introduction to J. Allen Smith, *The Growth and Decadence of Constitutional Government* (New York, 1930), p. xvi. Cited henceforth as *Growth*. Smith was dropped from the faculty of Marietta College ostensibly as a retrenchment measure, but a replacement was appointed: "apparently money was available if a suitable man was found." Arthur G. Beach, *A Pioneer College: The Story of Marietta* (Privately printed, 1935), p. 227.

<sup>8</sup> Parrington, *ibid.*

<sup>9</sup> For accounts of Smith's life and work see Eric F. Goldman, "J. Allen Smith: The Reformer and His Dilemma," *Pacific Northwest Quarterly*, Vol. 35, pp. 195-214 (July, 1944); Edward MacMahon, "James Allen Smith," *Dictionary of American Biography*, Vol. 17, pp. 286-87 (1935).

<sup>10</sup> Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York, 1913). Joseph Dorfman has argued that Beard's book was not a documented vindication of Smith's interpretation, but, on the contrary, was partly an effort to meet Smith's charge that the Constitution was a "reactionary" document. *The Economic Mind in American Civilization* (New York, 1949), Vol. 3, pp. 348-49. In similar vein, Robert E. Thomas has emphasized that Beard had little patience with what he regarded as the imbecilities of the Articles of Confederation; that he had tremendous admiration for the Founding Fathers, was an opponent of Populist-Wilsonian ideas, and an ardent defender of judicial review. "A Reappraisal of Charles A. Beard's *An Economic Interpretation of the Constitution*," *American Historical Review*, Vol. 57, pp. 370-375 (January, 1952). As Thomas notes, chapter IV of Beard's *The Supreme Court and the Constitution* (New York, 1912), entitled "The Spirit of the Constitution," is in marked contrast to Smith's evaluation of that spirit.

<sup>11</sup> Vernon L. Parrington, *Main Currents in American Thought*, 3 Vols. (New York, 1927-30).

<sup>12</sup> Peter H. Odegard and E. Allen Helms, *American Politics* (New York, 1938).

Kirkpatrick's widely used anthology.<sup>13</sup> In 1948 Harold J. Laski wrote lovingly and extravagantly that, of American political scientists since 1900, only the work of those like J. Allen Smith was seriously relevant to contemporary America.<sup>14</sup>

Permanently interesting as part of the literature of social criticism in America, as a fresh and penetrating voice at a time when constitutional studies often seemed "formal and devout and lifeless and dull,"<sup>15</sup> Smith is even more significant as revealing the tensions in Progressive thought. The magnitude of those tensions, the conflicting values, the pull of contradictory forces, the deep ambivalence, is suggested by contrasting Herbert Croly's ideal of a benevolent, neo-Federalist, centralized, reforming state with Brandeis's urgent warnings of "the curse of bigness," or by setting Roosevelt's "New Nationalism" alongside Wilson's "New Freedom."<sup>16</sup> The problems of the past do not necessarily die with it: recent controversies over roads to serfdom or roads to reaction are in a real sense the current versions of the perplexities which plagued Progressive minds. Smith's thought strikingly suggests the difficulty and danger both of seeking to attain Jeffersonian ends by Hamiltonian means, and of using Jeffersonian means to fashion a hook for Leviathan.

## I

The simple, forceful, audacious theme of Smith's famous first book, which appeared in 1907,<sup>17</sup> was that the spirit of American government is the reactionary, undemocratic spirit of the propertied classes frustrating the will of the masses. Generally regarded as the democratic ark of the covenant, the Constitution was in bitter fact the conspiratorial product of the Thermidorean reaction of 1787 which snuffed out the democracy of the Revolutionary period. In the Constitution property rights and minority interests were hedged about with a system of checks and balances irreconcilable with popular government. Nearly impossible to amend, clogging and baffling the popular will, embracing a spurious federalism which only thinly masked national supremacy, guarded by an oligarchic judiciary, the Constitution was an instrument which defeated the true end of government: "the unhampered expression and prompt enforcement of public opinion."<sup>18</sup> Smith sought to unmask the democratic pretensions of the Constitution, to show that "things are seldom what they seem," al-

<sup>13</sup> A. N. Christensen and E. M. Kirkpatrick, *The People, Politics, and the Politician*, rev. ed. (New York, 1950).

<sup>14</sup> Harold J. Laski, *The American Democracy* (New York, 1948), p. 749.

<sup>15</sup> Walton H. Hamilton, reviewing Smith's *Growth*, *Yale Law Journal*, Vol. 40, pp. 152-53 (November, 1930).

<sup>16</sup> Herbert Croly, *The Promise of American Life* (New York, 1909); Louis D. Brandeis, *The Curse of Bigness*, ed. Osmond K. Fraenkel (New York, 1934); Theodore Roosevelt, *The New Nationalism* (New York, 1910); Woodrow Wilson, *The New Freedom* (New York, 1913).

<sup>17</sup> *The Spirit of American Government* (New York, 1907). Cited henceforth as *Spirit*.

<sup>18</sup> *Ibid.*, p. 305.

though curiously enough for so devoted a champion of the popular will, he never bothered to explain away the gullibility of a people so artfully bamboozled for more than a century.<sup>19</sup>

A "Reform Darwinian,"<sup>20</sup> Smith believed that the line of political progress lay in the evolution from unlimited and irresponsible government, through a stage of limited and irresponsible government, to the democratic level of unlimited and responsible government. His cherished image of democracy was one in which checks and balances were swept away and the people's will reigned supreme. Adverting to the early state constitutions as having approached this goal, he exhibited no Actonian misgivings about the problem of power:<sup>21</sup>

In so far as government had now passed into the hands of the people there was no longer any reason to fear that it would encroach upon what they regarded as their rights.

Like many American political scientists,<sup>22</sup> Smith looked longingly at the disciplined, responsible, programmatic British party system whose American counterpart had been made impossible by the constitutional dispersion of power and responsibility.<sup>23</sup> Yet, unlike many present-day writers, he rejected the vision of the President as a latter-day popular tribune and charismatic oracle of the nation's real will.<sup>24</sup> Indeed, he regretted that the Framers had not intended the President to be "a mere administrative agent of Congress,"<sup>25</sup> and complained that they had bestowed upon him an independent obligation to defend the Constitution which was more binding than "his duty to enforce the laws enacted by Congress."<sup>26</sup>

Despite the claim that Smith "set in motion the economic interpretation"<sup>27</sup> of the Constitution, his essential concern was not with economic foundations, but with political institutions and theories, and his interpretation of politics

<sup>19</sup> Herbert Croly, in rejecting Smith's conspiracy theory of the Constitution, asked why the Jeffersonians had not undone the Federalist handiwork when they assumed power. His answer was that the political system was harmonious with the economic interests of the Jeffersonians. *Progressive Democracy* (New York, 1914), pp. 46-51.

<sup>20</sup> Goldman, *op. cit. supra* n. 2, at p. 146.

<sup>21</sup> *Spirit*, p. 293.

<sup>22</sup> See American Political Science Association Committee on Political Parties, "Toward a More Responsible Two-party System." Supplement to this REVIEW, Vol. 44 (September, 1950). Austin Ranney has suggested that the failure to develop such a system in the United States is not due to popular ignorance of the case for its virtues, but rather to the point emphasized by A. Lawrence Lowell, that "responsible and disciplined parties will appeal only to a people committed to the desirability of unlimited majority rule, and that the American people, far from believing in majority rule, are devoted to the preservation of minority rights *against* majority rule." *The Doctrine of Responsible Party Government* (Urbana, Ill., 1954), p. 160.

<sup>23</sup> *Spirit*, pp. 203-29.

<sup>24</sup> For an extreme example see William H. Riker, *Democracy in the United States* (New York, 1953), pp. 346-65.

<sup>25</sup> *Spirit*, p. 145.

<sup>26</sup> *Ibid.*, p. 146.

<sup>27</sup> William Seagle, "James Allen Smith," *Encyclopedia of the Social Sciences*, Vol. 14, p. 116 (1935).

was more political than economic. The political reforms he desired were chiefly the adoption of the direct democratic devices so confidently regarded at the turn of the century.<sup>28</sup> Although he warned reactionaries that continued frustration of the popular will might lead to a national constitutional convention, sweeping away the entire system of checks and balances, his main hope was for reform at the state and local level.<sup>29</sup> His proposals for reform did not go so deeply to the root of things as his reputation as a radical might suggest. Indeed, he pinned his faith largely upon devices which more radical social critics might have scorned as mere mechanical tinkering.

On the economic front, Smith opposed laissez-faire and socialism alike.<sup>30</sup> Believing in the regulative powers of competition, he argued that monopoly and concentration had stifled real competition, and urged a positive role for the state in controlling and organizing industrial forces. But save for the "gas and water" variety, he rejected socialism because of its rejection of the competitive principle as inherently vicious. Economically, his main hopes centered on the adoption of monetary reforms which he thought the key to the revival of competition.<sup>31</sup> He also proclaimed that democracy was the enemy of monopoly, that it demanded equality of opportunity and the equitable distribution of the product of industry. But he was never very clear as to the concrete measures necessary for achieving these goals, and it may be doubted whether monetary reforms were equal to the task. His later thought certainly suggests that he had been shaken by the dilemma suggested in Acton's epigram: "the passion for equality made vain the hope of freedom."<sup>32</sup>

<sup>28</sup> Smith, "Recent Institutional Legislation," *Proceedings of the American Political Science Association*, Fourth Annual Meeting, Vol. 4, pp. 141-51 (1908).

<sup>29</sup> *Spirit*, p. 347.

<sup>30</sup> See Dorfman, *loc. cit. supra* n. 10, at pp. 294-9.

<sup>31</sup> Smith, "The Multiple Money Standard," *Annals of the American Academy of Political and Social Science*, Vol. 7, pp. 173-232 (March, 1896).

<sup>32</sup> John Emerich Edward Dalberg-Acton, *The History of Freedom and Other Essays*, ed. John Neville Figgis and Reginald Vere Laurence (London, 1907), p. 57. Like Edward A. Ross, John R. Commons, and others in the Populist-Progressive tradition (see Hofstadter, *The Age of Reform*, pp. 8-9; 173-184), J. Allen Smith was quite hostile toward the tide of immigrants, and was particularly concerned with the need to restrict immigration from the Far East. In a paper presented to a meeting of the American Economic Association, "The Relation of Oriental Immigration to the General Immigration Problem," *Bulletin of the American Economic Association*, Fourth Series, Vol. I, No. 2, pp. 237-42 (April, 1911), Smith pointed to the contradiction in having a protective tariff alongside an open immigration policy which benefitted some employers by providing cheap labor and harmed the American laborer by depressing the standard of living. The furthering of the great purpose of America, the diffusion and preservation of a high level of general well-being, justified in Smith's view the exclusion of "undesirable" immigrants. His argument was largely economic, for he defined "undesirable immigrant" as one willing to work for less than the prevailing rate of wages (p. 242). But his position had a moral basis in addition, for he spoke of "low grade immigrants who lacked the initiative, the energy, and the means" (p. 238) to have come in prior to the exploitation of immigration as a regular business by the great steamship companies. The appearance of "the Chinese coolie, with his low standard of living and his patient endurance, was an undeniable menace to the well-being of the American laborer" (p. 239). The same might be said, Smith added, of much



Despite his angry sense of deeply entrenched privilege and plunder masked by piety and patriotism, Smith's first book was filled with an optimistic faith in progress which to our more chastened age seems almost pathetically naive. He believed that democracy would "raise government to the rank and dignity of a science,"<sup>33</sup> by making it appeal to the people's reason rather than to their fear and superstition: "we are at the threshold of a new social order under which the few will no longer rule the many."<sup>34</sup> One listens with uneasiness to this apocalyptic note which Smith sometimes struck, with its overtone of history redemptively nearing some terminus of righteousness where the unregenerate would be cast out and where in place of struggle and conflict, unanimity and new harmony would prevail.<sup>35</sup>

We are witnessing and taking part in the final struggle between the old and the new—a struggle which will not end until one or the other of these irreconcilable theories of government is completely overthrown, and a new and harmonious political structure evolved.

It would be unfair to read too much into this, but in it lurks the suggestion, at least, of that final victory of the popular will which would mark the end of public policy based on the pressures of various and contending interests, the end of bargaining and negotiation, the end of compromise—the end, indeed, of politics. Fortunately this was a recessive strain in Smith's thought, for it bears the stigma of the saints of many profane eschatologies who readily imagine that conformity in the service of their mortal gods is perfect freedom: secular salvation has often been the goal of that politics of perfection which has borne such bitter witness to the evil that good men do. True believers who look for the motive forces of history conveniently "to commit hara-kiri on the doorstep of the ideal"<sup>36</sup> have never learned that in the grammar of politics there is no future perfect.

It is hard not to admire the courage, the faith, and the passion for justice which moved J. Allen Smith. But it is hard not to smile a bit wistfully at his vision of a new world heralded by the clarion voice of the People, calling in unison, knowing what it wants, how to get it, and hastening to the new Jerusalem by way of the initiative, referendum, recall, direct primary, popular election of Senators, and the "packing" of the Supreme Court. A gulf separates the Smith of 1907 from those more recent analysts of the spirit of American government, who, knowing revolution, dictatorship and total war, have concluded instead:<sup>37</sup>

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of the immigration from Europe. Exclusion of Oriental immigrants, he explained, "does not necessarily imply a belief on our part that the Oriental races are inferior to our own, but that they are fundamentally different, and if they were admitted in considerable numbers, it would mean a race problem of serious import" (p. 238).

<sup>33</sup> *Spirit*, p. 386.

<sup>34</sup> *Ibid.*, p. 380.

<sup>35</sup> *Ibid.*, p. 378.

<sup>36</sup> Becker, *op. cit.* *supra* n. 5, at p. 119.

<sup>37</sup> Herbert Agar, *The Price of Union* (Boston, 1950), pp. 690–91.

The United States, of course, may some day attain such 'uniformity (or have it thrust upon her) that she will abandon her federal structure; but until that happens she will be governed by concurrent majorities, by vetoes and filibusters, by parties which take both sides of every dangerous question, which are held together by the amusements and rewards of office-seeking, and which can only win an election by bringing many incompatible groups to accept a token triumph in the name of unity, instead of demanding their full "rights" at the cost of a fight.

The world today might do worse than study the curious methods by which such assuagements are effected.

## II

The very title of Smith's last book, *The Growth and Decadence of Constitutional Government*<sup>38</sup> bespoke the disenchantment which came in the wake of the first world war. The mouths of Progressive prophets were stopped with bitter dust: "The war intervened," remarked Parrington, "and the green fields shriveled in an afternoon."<sup>39</sup> The pervasive theme of the book was the danger of centralized power, whether in the national government, in industry, or in that dangerous glimmering of a super-state called the League of Nations. The war and the political changes which accompanied it, wrote Smith, had convinced him "that extreme centralization of political power is one of the greatest dangers confronting this country today. . . ."<sup>40</sup>

Chagrined by the growth of the national patriotism which had supplanted loyalty to the states, Smith protested that the national government had been burdened with tasks for which it was ill suited. As its power swelled, the capacity of citizens to comprehend or control it steadily diminished.<sup>41</sup> His fear of centralization even brought him to disagreement with many liberal friends because of his deep opposition to the proposed federal child labor amendment and to the League of Nations:

I am convinced that the only way to secure any real democracy in this country is to check the growth of federal power and to increase the freedom or initiative and authority of our local governments.<sup>42</sup>

But if he protested against the centripetal forces of government and capitalism, he was still no less critical of socialist propaganda for undermining the popular belief in the regulative powers of competition, instilling the idea that centralized control of industry was natural and inevitable.<sup>43</sup>

Smith's new view of the meaning of the early state constitutions reflected a significant change of attitude. Earlier, he had hailed them as steps on the road to unlimited popular rule. Now he asserted that they had been based on the

<sup>38</sup> Published posthumously (New York, 1930) with an introduction by V. L. Parrington. "A few minutes before his death Parrington had put his signature to a foreword for a book by his late friend and colleague, J. Allen Smith." Joseph B. Harrison, *Vernon Louis Parrington*, University of Washington Chapbooks, No. 31 (Seattle, 1929), p. 29.

<sup>39</sup> Parrington, *Main Currents*, Vol. 3, p. 412.

<sup>40</sup> In a letter to John A. Kingsbury, quoted in Goldman, *op. cit. supra* n. 9, at p. 210.

<sup>41</sup> *Growth*, pp. 194-95.

<sup>42</sup> Goldman, *ibid.*, pp. 210-11.

<sup>43</sup> *Growth*, pp. 226-28.

theory that "power, even though supposed to rest wholly on a popular basis, was, nevertheless, thought of as limited."<sup>44</sup> Ruefully he observed that the growth of the idea of unlimited popular power had led to the decline of belief in natural rights and natural law. The older notion of limited government had given way to a doctrine of "governmental absolutism":<sup>45</sup> "Political majorities, no less than public officials, are prone to take into their own hands as much power as circumstances permit."<sup>46</sup>

Like many who had witnessed the crusade to make the world safe for democracy, Smith voiced a growing disillusionment with public opinion. Observing that we had not yet reached the stage of development in which the people possessed the degree of civic intelligence demanded by democracy, he commented that "the great majority have little more rational foundation for their political opinions than for their religious beliefs."<sup>47</sup> In a mood reminiscent of Burke or William Graham Sumner,<sup>48</sup> he emphasized that the political situation is the outcome of innumerable complex factors, that laws and constitutions are the results of slow growth and development, and that the most radical innovations are really but slight adaptations. Few people, he concluded, had the political intelligence or the ability to cooperate long enough to alter greatly the course of public affairs: "commonly accepted opinion, even under a purely democratic form of government, can hardly be regarded as a determining political force."<sup>49</sup>

### III

In spite of his reputation as a hard-headed analyst of political realities, J. Allen Smith seriously misjudged some of the strongest and deepest currents in the American political tradition. Too often he found conflict where there was consensus, and unity where there was diversity. His preoccupation with the Constitution as the product of social conflict and conservative reaction led him into that genetic fallacy which judges institutions more by their origins than by their later growth, and so the smoke of Shay's rebellion and the din of the ratification struggle continually intruded themselves into his pages. His division of society into the few and the many came close to being a morality play division of the world into the elect and the damned, and, with his conspiracy theory of the American constitutional system, blinded him to the deep popular consensus on which that system rests.

As it has been suggested that aristocratic conservatives like Hamilton and Fisher Ames projected an unreal demonology of "the howling mob" because they ignored the deep attachment of that "mob" to property rights and consti-

<sup>44</sup> *Ibid.*, p. 14.

<sup>45</sup> *Ibid.*, p. 185.

<sup>46</sup> *Ibid.*, p. 163.

<sup>47</sup> *Ibid.*, p. 114.

<sup>48</sup> Sumner, *The Challenge of Facts and Other Essays*, ed. A. G. Keller (New Haven, 1914).

<sup>49</sup> *Growth*, pp. 82-83.

tutional government,<sup>50</sup> so might it be said of J. Allen Smith that, by ignoring that same deep attachment, he had fallen into a radical version of the same error. He projected an unreal picture of the classes versus the masses, and belabored an unconvincing conspiracy theory. He was never able to appreciate the point of such wise exaggeration as Jefferson's famous insistence that "every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans—we are all Federalists";<sup>51</sup> nor could he have found much comfort in the quip that the difference between the two great American political parties is the difference between Tweedledee and Tweedledum. Unlike later writers who have been heartened by this diagnosis, he would not have agreed that the "disease" is better than its cure. But if discord loomed so large for Smith that he underestimated agreement, he was also not beyond falling into a contrary error, for his conception of "the people" as homogeneous and monolithic squared poorly with the realities of an endlessly diverse and pluralistic continental federalism. His conception of direct democracy could have led only to disillusionment.

One of the most intriguing turns of thought revealed in Smith's later work has never adequately been discussed either by his admirers or his critics. This was his surprising shift from a Rousseauian rejection of checks and balances and the group basis of politics, to an adulation of that prophet of nullification and concurrent majority, high priest of checks and balances, the South Carolina Aristotle, John C. Calhoun. Referring to Calhoun's views on the nature of the union, Smith declared that he had written with "unanswerable logic"<sup>52</sup> in treatises which for "convincing argument have never been equalled in all the literature dealing with constitutional interpretation."<sup>53</sup> In this vein Smith wrote sympathetically of the Virginia and Kentucky resolutions of 1798, argued that the Framers had not intended to establish national supremacy, and approved Calhoun's doctrine that the Constitution can only be finally interpreted and changed by the concurrent action of the federal and state governments. Voicing his regret that the Framers had omitted the word "expressly" from their grant of powers to Congress, he even went so far as to disapprove the doctrine of implied powers.<sup>54</sup>

Smith's new found acceptance of Calhoun's views on the federal system hinged chiefly on his own attachment to the decentralization and local autonomy which Calhoun had glorified for quite another purpose. This, the weakest element in Calhoun, he applauded openly. But he never avowed the strongest aspect of Calhoun's thought, its pluralism. Yet there was implicit in his later thinking a deep sense of the organic nature of group and sectional interests and

<sup>50</sup> Louis Hartz, "The Whig Tradition in America and Europe," this REVIEW, Vol. 46, pp. 989-1002 (December, 1952).

<sup>51</sup> First Inaugural Address, March 4, 1801. Quoted in *Jefferson Himself*, ed. Bernard Mayo (Boston, 1942), p. 221.

<sup>52</sup> *Growth*, p. 159.

<sup>53</sup> *Ibid.*, p. 92.

<sup>54</sup> *Ibid.*, p. 91.

an emphasis upon the multi-group society which was hardly compatible with the monolithic conception of the popular will which dominated his earlier thought. In protesting state encroachment on local government, he asserted that a state is a purely arbitrary division, while a city is a "natural and organic unit with interests peculiarly its own."<sup>55</sup> Even properly apportioned state legislatures, he affirmed, cannot be representative of the various local interests of the state: the people of an agricultural community, for example, have no interest in or concern with legislation relating to municipal utilities.<sup>56</sup> Here, surely, was the seed of a theory of functional representation whose implications Smith never squared with his earlier views.

Perhaps the gravest weakness of J. Allen Smith's political thought was his failure ever to have reconciled the two conflicting images of the political process which are implicit in his work. The significance of this issue far exceeds the mere question of a crucial irresolution in his own thought, for it goes to the very heart of the problem of government. On the one hand was the Rousseauian image with its emphasis upon unleashing the monolithic will of the people, seeking unanimity as its ideal, but settling for majority rule in practice; fearful of centralization and a policy-making bureaucracy, a "state governed by clerks";<sup>57</sup> fearful of representative government with its remoteness from the popular will, and rejecting the whole fantastic notion of the balance of powers; ever suspicious of sinister interest groups and parties—worms within the entrails of the body politic, as Hobbes thought them;<sup>58</sup> Platonic in its emphasis on man fulfilling himself as Citizen; and hopefully envisioning man and the world remade. On the other hand was the image suggested by Madison in *The Federalist*,<sup>59</sup> with its Calvinist view of man as considerably lower than the angels; its rugged insistence on the ineluctable group basis of politics, its sense of the irreducible conflicts of class, section, and creed; its view of politics as the realm of compromise and the imperfect: the art, not of the best, but of the possible and the second best; its deep rejection of Utopianism; its skepticism of the primacy of politics; its conviction that the problem of power does not disappear when the voice of the people plays at being the voice of God; its insistence that the source of law is not full guarantee of its rightness; and its abiding attachment to the need, above and beyond the suffrage, for those constitutional "auxiliary precautions,"<sup>60</sup> with their counterpoise and plurality of powers, which so complement the multi-group "diversity of the community that its own pluralism is reflected in a pluralism within the government."<sup>61</sup> These were the

<sup>55</sup> *Ibid.*, p. 193.

<sup>56</sup> *Ibid.*, p. 194.

<sup>57</sup> Jean Jacques Rousseau, *The Social Contract*, Bk. II, ch. 9, Everyman's Library edition (London, 1946), p. 38.

<sup>58</sup> Thomas Hobbes, *Leviathan*, ch. 29, Everyman's Library edition (London, 1947), p. 177.

<sup>59</sup> *The Federalist*, Nos. 10, 51, Modern Library edition (New York, n.d.).

<sup>60</sup> *Ibid.*, No. 51.

<sup>61</sup> Norton E. Long, "Bureaucracy and Constitutionalism," this REVIEW, Vol. 46, pp. 808-818 (September, 1952), at p. 811.

polar opposites between which Parrington believed the main currents of American political thought have moved.<sup>62</sup> It is curious indeed that Smith uneasily embraced both of them.

"Militant Jeffersonian Populist"<sup>63</sup> that he was, J. Allen Smith never made his peace with political or industrial Leviathans. There was in him a nostalgic tendency to look longingly after statecraft on a scale suited to "a nation of villagers."<sup>64</sup> Parrington was just as fearful of the future as Smith had ever been.<sup>65</sup>

An industrialized society is reshaping the psychology fashioned by an agrarian world; the passion for liberty is lessening and the individual . . . is being dwarfed; the drift of centralization is shaping its inevitable tyrannies to bind us with.

But Parrington admitted what Smith had never really faced, "the final defeat of the traditional agrarianism."<sup>66</sup>

The disintegration of the earlier romanticisms . . . has run its course. The philosophy of Jefferson and John Taylor, with its physiocratic bias, its antipathy to a money economy, its love of local autonomy, has been buried in the potter's field.

And so, unlike Smith, Parrington had begun to wonder whether it might not be necessary to "take our bearings afresh and set forth on a different path to the goal."<sup>67</sup> Smith's failure to come to grips convincingly with the adjustment of means and ends led him into what Lord Bacon called "the solecism of power, to think to command the end and yet not to endure the means."<sup>68</sup> Even his admirers came to admit that his Jeffersonian views were irrelevant to the problems of an industrial society, that time had left him behind.<sup>69</sup> But we cannot afford to smile condescendingly at Smith's plight, for the dilemma he faced is as crucial today for new conservatives as for new Fabians: many an American liberal "has begun to wonder, with J. Allen Smith, whether incessant centralization is liberalism's best hope."<sup>70</sup>

The greatest limitations of J. Allen Smith's thought for the present obviously stem from the inherent weakness of his oversimplified analyses of American society and of democracy, and from the difficulty of fitting into the contours of his teaching those developments which, burgeoning in his day, have become the very matrix of present day political thought: the growth of the administrative state and the rise of the United States as a world power. His significance

<sup>62</sup> *Main Currents*, Vol. 1, pp. 267-273.

<sup>63</sup> Alfred Kazin, *On Native Grounds* (New York, 1942), p. 149.

<sup>64</sup> Walter Lippmann used this phrase of G. B. Shaw's to characterize the longings of Bryan and Wilson. *Drift and Mastery* (New York, 1914), pp. 128-48.

<sup>65</sup> Parrington, *ibid.*, Vol. 3, p. xx.

<sup>66</sup> *Ibid.*, p. xxvii.

<sup>67</sup> *Ibid.*, p. xxviii.

<sup>68</sup> Francis Bacon, "Of Empire," *Essays*, No. 19, World's Classics edition (Oxford, 1930), p. 52.

<sup>69</sup> Seagle, *loc. cit. supra* n. 27.

<sup>70</sup> Goldman, *op. cit. supra* n. 9, at p. 212.

lies less in the dogmas he proclaimed than in the predicaments he revealed, and in the questions he often failed to answer and sometimes never asked; in some ways "he was like one of those revolving lighthouses which radiate momentary gleams of revealing light far out into the surrounding gloom and then suddenly relapse into complete darkness."<sup>71</sup> But, perhaps it is true that a man ought to be known by the dilemmas he keeps. We should reckon J. Allen Smith's worth less by the battles he won than by the Goliaths he was bold enough to seek to slay. To him we may apply Parrington's words: "Communing with ghosts is not unprofitable to one who listens to their tales,"<sup>72</sup> nor without meaning to those who "like Merlin pursue the light of their hopes where it flickers above the treacherous marshlands."<sup>73</sup> Scholar, teacher, democrat, gentleman, he was a useful reminder that truth is as often compounded of wormwood as of treacle, and a fitting exemplar of the dictum that a professor is a man who thinks otherwise.

<sup>71</sup> David Lloyd George, characterizing Lord Kitchener. *War Memoirs* (Boston, 1933), Vol. 2, p. 194, quoted by Lindsay Rogers, Foreword to Robert H. Connery, *The Administration of an N. R. A. Code* (Chicago, 1938), p. xvii.

<sup>72</sup> Parrington, *ibid.*, Vol. 2, p. i.

<sup>73</sup> *Ibid.*, Vol. 1, p. vii.

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# BIBLIOGRAPHICAL ARTICLE

## Selected Materials for a Comparative Study of Local Government

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Literature on local government is extensive in such countries as the United States, United Kingdom, and Sweden, fairly comprehensive in such countries as France and Germany, and almost if not quite non-existent in certain of the under-developed countries. With the limited space available, it has seemed desirable not to include any materials relating to the English-speaking countries, since these are generally well known to scholars. An attempt has been made to bring in representative local government systems from the major areas of the world, but neither the Soviet Union, the Peoples' Republic of China, nor any satellite country is included, mainly because of failure to find specialists who would undertake the task. Since this article is likely to be used primarily by those whose linguistic competence is limited to English or a European language, emphasis has been placed on materials in these languages, but as much attention as has seemed feasible has been given to sources in other languages.<sup>1</sup>

It is not surprising that the great preponderance of research in local government has thus far related to specific countries. Nevertheless, there has been some recognition of the importance of comparative studies in local government, and interest in such projects seems to be growing slowly at present.

The earlier studies of William B. Munro, *The Government of European Cities* (New York, Macmillan, 1909) and William Anderson, ed., *Local Government in Europe* (New York, Appleton-Century, 1939) may be cited as somewhat isolated examples of earlier comparative works in the local government field. The quite recent studies of William A. Robson, ed., *Great Cities of the World* (London, Allen and Unwin, 1955), International Union of Local Authorities, *Local Government Finance and Its Importance for Local Autonomy* (The Hague, 1955), and "Village Government in Eastern and Southern Asia: A Symposium," *Far Eastern Quarterly*, February, 1956, represent significant projects in the present-day comparison of local government institutions and problems. A pilot study undertaken by the International Political Science Association, under the sponsorship of UNESCO, of rural local government in India, Italy, and Sweden,<sup>2</sup> and a more comprehensive survey, now in progress, by the International Union of Local Authorities, also sponsored by UNESCO, of local

<sup>1</sup> In addition to those who have contributed the various sections of this bibliographical article, thanks are due to Charles S. Ascher, Fred W. Riggs, and the International Union of Local Authorities for assistance in its preparation.

<sup>2</sup> In this research study, Harold Zink of Ohio State University served as general reporter, and Professors R. Bhaskaran of Madras University, F. Benvenuti of Padua University, and A. Wählstrand of the School of Social Work and Municipal Administration of Gothenberg, as national reporters.

government throughout the world may indicate something of the current recognition of the need for local government studies which cross national boundaries.

## FRENCH LOCAL GOVERNMENT

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Local government institutions before the Revolution are dealt with best in either Fr. Olivier-Martin, *Précis d'histoire du droit français* (Paris, Dalloz, 1945) or E. Perrot, *Les institutions publiques et privées de l'ancienne France jusqu'en 1789* (Paris, Sirey, 1935). The history of local government during the revolutionary period and the institutions which then emerged to form the basis of modern local government are dealt with most comprehensively in J. Godechot, *Les institutions de la France sous la Révolution et l'Empire* (Paris, 1951). The pattern of local government created by Napoleon has remained in many respects formally the same to the present day. The development in the nineteenth century can be traced through C. A. Vuillefroy and L. Monnier, *Principes d'administration: extraits des avis du Conseil d'Etat et du Comité de l'Intérieur . . .* (Paris, Joubert, 1837); L. M. de Cormenin, *Droit administratif* (2 vols., Paris, Paguernel, 5th ed., 1840), particularly Vol. 1; M. Macarel, *Cours d'administration et de droit administratif* (Paris, Plon, 1852); A. F. A. Vivien, *Etudes administratives* (2 vols., Paris, de Guillaumin, 1859); and A. Batbie, *Traité théorique et pratique de droit public et administratif* (9 vols. and 2 supplements, Paris, Larose et Forcel, 2nd ed., 1885), especially Vols. 3, 4, and 7.

Since then all the major jurists have devoted much space in their treatises on *droit administratif* to the structure and place of local government: e.g., Duguit, Hauriou, Jèze. At present L. Rolland, *Précis de droit administratif* (Paris, Dalloz, 1947) and M. Waline, *Traité élémentaire de droit administratif* (Paris, Sirey, 6th ed., 1951) are outstandingly helpful.

The basic laws on local government, the organization and powers of municipal authorities, of departmental authorities, of budgetary control, of personnel, of elections, are in the *Code Dalloz*, which is frequently brought up-to-date. For special points and for the jurisprudence concerning local authorities, one must consult the *Recueil des Arrêts du Conseil d'Etat statuant au contentieux . . .* (Paris, Sirey, Collection Lebon et Panhard). The general theory of centralization and decentralization in France is discussed in C. Eisenmann, *Centralisation et décentralisation* (Paris, LGDJ, 1948). A simple statement of the relations between types of local authorities is in R. Jannin, "Les collectivités locales" in *L'Organisation gouvernementale de la France* (Paris, Documentation Française, 1952), which also contains a section by R. Maspétiol, "Les rapports entre le pouvoir central et les collectivités locales." R. Maspétiol et P. Laroque, *La tutelle administrative* (Paris, 1931) and R. Nestor, *Le contrôle du préfet sur l'ad-*

*ministration communale* (thesis, Paris University, 1931) deal more specifically with central control, the former being the standard work.

An excellent general survey and history of local government during and after the war is P. Doueil, *L'Administration locale à l'épreuve de la guerre, 1939-1949* (Paris, Sirey, 1950). J. Gandouin, *La constitution et la réforme de l'organisation départementale et communale* (thesis, Paris University, 1950) is a good description of the postwar efforts at reforming local government and the constitutional basis of present local government. B. Chapman, *Introduction to French Local Government* (London, Allen and Unwin, 1953) is an account of the present status and functioning of local government in terms of political science.

The organization of communal government is dealt with in R. Maspétiol, *L'Organisation municipale* (Paris, Sirey, 1934). The problem of the very small commune is discussed in P. Roy, *L'Administration intercommunale: le problème des petites communes* (thesis, Bordeaux University, 1944). Of the various recommendations for reform, R. Lainville, *Vers la réforme municipale* (Paris, Sirey, 1946) and J. Boulonnois, *La réforme municipale* (Pontoise, Lachevre, 1946) are particularly to be noted.

Communal personnel and their status and rights are discussed for the pre-war period by M. Aragon, *Les administrateurs communaux et intercommunaux* (Paris, Sirey, 1935); for the post-war period by P. Bertrand, *Le statut du personnel communal* (Paris, Sirey, 1946). The text of the present law is in "Statut général du personnel des communes et des établissements publics communaux," *Journal officiel*, Paris, 1952. The organization and powers of municipal and general police are treated by P.-H. Teitgen, *La police municipale générale* (thesis, Nancy University, 1934); H. Roth, *L'Organisation de la police d'état en France* (thesis, Lyons University, 1943); and P. Chemineau, *Etude de l'organisation administrative de la police en France* (thesis, Toulouse University, 1944). Local government finance is precisely and clearly described in R. Lainville, *Le budget communal* (Paris, Sirey, 7th ed., 1951); there is some useful material in the general survey of the Ministry of Finance, *Inventaire de la situation financière 1913-1949* (Paris, 1949); and an authoritative account of its shortcomings has been published by the Ministry of the Interior, *Rapport présenté par l'Inspection Générale, Tome I: Sur la réforme des finances locales* (Paris, 1951). The most recent and fully comprehensive study is Jean Singer, *Traité général des finances communales et départementales* (Paris, 1956).

A commented text of the law on departmental organization and administration is ed. R. Bonnaud-Delamare, *Loi du 10 août 1871 relative aux conseils généraux mise à jour et complétée par différents textes législatifs* (Niort, 1950). The same author has compiled a list of the powers exercised by members of the prefectural corps in *Attributions juridiques des préfets et sous-préfets* (Monte Carlo, Editions du Livre, 1951). A general study of provincial life and administration is B. Chapman, *The Prefects and Provincial France* (London, Allen and Unwin, 1955). The powers and position of secretaries-general of the prefectures are to be found in P. Guerrini, *Origines et pouvoirs du secrétaire général*

de *préfecture* (thesis, Lyons University, 1938) and P. Rix, *Le secrétaire général de préfecture* (thesis, Toulouse University, 1933). The recruitment and regulations governing the prefectural corps are gathered together in two publications of the Ministry of the Interior, *Statut particulier du corps préfectoral* (Paris, 1951) and *Recrutement des chefs de cabinet de préfet* (Boulogne-sur-Seine, 1952). These officials are, however, in some respects still covered by the "Statut général des fonctionnaires," *Recueil des documents et textes relatifs à l'application de la loi* (Documentation française, 1950). For the status of the ordinary personnel of the prefectures, two reports of the Inspection Générale de l'Administration are important: *Rapport présenté par l'Inspection Générale pour l'organisation et le personnel des préfectures départementales* (Melun, 1942) and Tome II, *Sur l'organisation et les effectifs des préfectures* (1950-51) of the report cited above.

Regionalism has been a controversial issue in France during most of the century. The best pre-war book on the subject is probably M. Brun, *Départements et régions* (Paris, Presses Modernes, 1939). Under Vichy, regional administration came to be widely used; P. Gay, *Le préfet régional* (Paris, Sirey, 1942) gives some idea of the changes then made. J. B. Bancal, *Les circonscriptions administratives de la France* (Paris, Sirey, 1945) picks up the pre-war thread after the war and is an able exposition of the problem in geographic and administrative terms. The existence of regional services and the appointment of a type of regional prefect in 1948 have led to several important practical changes in French local government, ably dealt with in J. Legrand, *Les essais d'administration régionale* (thesis, Paris University, 1950).

The special position of Paris is illustrated in Raymond-Laurent, *Paris, sa vie municipale* (Paris, Godde, 1938); M. Félix, *Le régime administratif et financier du département de la Seine et de la Ville de Paris* (2 vols., Paris, Rousseau, 1945); and B. Chapman, "The Government of Paris," in W. A. Robson, ed., *Great Cities of the World* (London, Allen and Unwin, 1954). Chapman has dealt with "The Prefecture of Police in Paris" in the *Journal of Criminal Law* (Northwestern University, 1953). The powers and organization of the two prefectures in Paris are set forth in *Organisation et attributions des services du Département de la Seine et de la Ville de Paris* and *Organisation et attributions des services de la Préfecture de Police*, both published by the Imprimerie Municipale, Paris.

An excellent study on the problems of town planning and housing as they affect all local authorities is A. Bordessoule et P. Guillemain, *Les collectivités locales et les problèmes de l'urbanisme et du logement* (Paris, Sirey, 1956).

There are many specialized articles on French local government in the *Revue administrative*, *Revue du droit public*, *Revue des collectivités locales*, and *Bulletin d'information de l'Association du Corps Préfectoral*, all published in Paris.

## ITALIAN LOCAL GOVERNMENT

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Most works on Italian local government are formalistic and legalistic. In the course of the unification, 1859-61, the institutions of local government then existing in Piedmont were extended to the rest of the country; these institutions had been borrowed from the French; consequently the formal structure of Italian local government is very similar to the French. The original law on local government was the law of October 23, 1859, *sull' amministrazione comunale e provinciale*. Various relations and modifications to this law proposed by the Chamber of Deputies in the period 1862-64 are to be found in *Camera dei Deputati, Sessione 1863-64, Documenti*, Vol. I.

The extension of this system of local government to all Italy provoked considerable opposition, particularly from the northern states. In Milan a school of federalist thought, led by Carlo Cattaneo and G. Ferrari, had a strong following for some time. Cattaneo's works are scattered but show a mind of exceptional quality. The best collection is ed. A. Bertani, *Opere edite ed inedite di Carlo Cattaneo* (3 vols., Florence, 1890). There is apparently no complete collection of Ferrari's works, but G. Schinetti has edited a small volume of *Le più belle pagine di G. Ferrari* (Milan, 1927). The most notable supporter in political life of a different form of regional government was M. Minghetti, Minister of the Interior after the unification. He wrote a book on the subject, *Le regioni* (Florence, 1867), and his proposed law, with speeches, is to be found in his *Discorsi parlamentari* (Rome, 1888). In *I partiti politici e la ingerenza loro nella giustizia e nell' amministrazione* (Bologna, 1881), he developed a theme common to many writers of the period: that much of the *malaise* of political life was due to the occult influence of territorial groups, forced by the nature of the centralized state to maneuver in Parliament. Three important jurists of the late nineteenth century made similar criticisms in their writings on local government: G. F. Ferraris, *Teoria del decentramento amministrativo* (Palermo, 1898); G. Saredo, *La nuova legge sulla amministrazione comunale e provinciale* (2 vols., Turin, 1889); and Riccomanni, *Lo Stato ed i poteri locali* (Rome, 1873). A penetrating exposure of the situation which still existed after the Great War is in the *Relazione della Commissione Parlamentare d'Inchiesta sull' ordinamento delle amministrazioni di Stato e sulla condizione del personale* (2 vols., Rome, 1921).

A coordinated and consolidated text of local government laws was issued by the Regio Decreto of March 3, 1934: *Testo unico della legge comunale e provinciale*; an up-to-date version of this was edited by C. Martino and published in 1953 by Ete in Turin. This text covers the administration, personnel, finance, tutelage, and recruitment of provinces, communes, and the government of Rome. A commentary on the text was made by A. Lentini, *Commento al T.U. della legge comunale e provinciale* (Milan, 1950); the same author discussed the position of local government personnel in his *Lo stato giuridico dei dipendenti*

*degli enti autarchici* (Catania, 1951?). He also published a systematic work of some quality entitled *L'amministrazione locale* (2nd. ed., Como, 1953).

Probably the best contemporary work for obtaining information on the legal conditions and status of local authorities in terms of national law and jurisprudence is A. M. Sandulli, *Manuale di diritto amministrativo* (Jovene, Naples, 2nd ed., 1954). Also to be noted is G. Zanobini, *L'amministrazione locale* (Milan, n.d.).

In 1945 there was considerable discussion of the future form of local government in Italy; it now has a constitutional status. The Ministero per la Costituzione issued the *Relazioni all'Assemblea Costituente*: Vol. II is on *Autonomie locali*. The work of the commissions concerned with drafting the new constitution, two of which were concerned with local government, are published as *Atti della Commissione per la Costituzione* (Rome, 1946).

The new constitution not only contained a special section on local government but created a new form of local authority, the region. Indeed, Italy is, for constitutional lawyers, now "a State characterized by regional autonomy," somewhere between the unitary and the federal state. Its theoretical foundations are to be found in G. Ambrosini, *Autonomia regionale e federalismo* (Rome, 1946). The legal status of different kinds of local autonomy have a respectable history and Santi Romano, "Decentramento amministrativo" in *Enciclopedia giuridica italiana* (Milan, 1897) and P. Bodda, "Autarchia amministrativa" in *Dizionario di politica*, Vol. I (Rome, 1936), should be noted. For the present constitutional position of local authorities, including the regions, perhaps the best work is still V. Falzone, F. Palermo, and F. Cosentino, *La Costituzione della repubblica italiana* (Rome, 1948); it is also discussed in all text books on constitutional law: e.g., G. Balladore Pallieri, *Diritto costituzionale* (Milan, 1949). Two works on regional government are G. Miele, *Le regioni* (Florence, 1951) and B. Chapman, *Italian Regional Government* (thesis, Oxford University, 1951). The statutes of the special self-governing regions are most easily obtainable in the official *Documenti di vita italiana* (Sicily, no. 13; Sardinia, no. 17; Val d'Aosta, no. 19; Trentino-Alto-Adige, no. 21). The regional governments have produced their own *Codice regionale* and a considerable amount of other material.

There is a considerable bibliography on particular aspects of local government in several reviews. Perhaps those to be most closely studied are the *Nuova rassegna*, *Rivista trimestrale di diritto pubblico*, *Corriere amministrativa*, *Amministrazione italiana*, *Rivista amministrativa*, and *Rivista della corte dei conti*.

## GERMAN STATE AND LOCAL GOVERNMENT

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On German state and local government before 1945, James K. Pollock and Homer Thomas, *Germany in Power and in Eclipse* (New York, Van Nostrand, 1952), is a mine of information; it deals with the pre-Weimar, Weimar, and Nazi

periods and has numerous maps and bibliographies. Books published before World War I include William B. Munro, *The Government of European Cities* (New York, Macmillan, 1909), with a long chapter on Prussian cities, and William H. Dawson, *Municipal Life and Government in Germany* (London, Longman's, 1914). A recent outstanding work is Heinrich Heffter, *Die deutsche Selbstverwaltung im 19. Jahrhundert* (Stuttgart, Koehler, 1950), dealing mainly with the nineteenth century, but reaching back into the eighteenth and forward into the twentieth. It is a history of German ideas about self-government, particularly at state and local levels, and what was done or attempted to implement them.

For the Weimar Republic, Frederic F. Blachly and Miriam E. Oatman, *The Government and Administration of Germany* (Baltimore, Johns Hopkins Press, 1928) has two chapters and a bibliography on state and local government. The texts of all the state constitutions are given in Otto Ruthenberg, ed., *Verfassungsgesetze des deutschen Reichs und der deutschen Länder* (Berlin, Vahlen, 1926). A more detailed analysis, stressing cities but with some attention to states and other local units, is Roger H. Wells, *German Cities* (Princeton, Princeton University Press, 1932), with ten pages of bibliography on German sources.

For Nazi Germany, besides the material in Pollock and Thomas, *op. cit.*, reference is made to Fritz Morstein Marx's valuable chapter in William Anderson, ed., *Local Government in Europe* (New York, Appleton-Century, 1939), to which is appended a translation of the Deutsche Gemeindeordnung (German Municipal Government Code) of 1935. This law, stripped of its Nazi features, was widely copied in the Gemeindeordnungen adopted in the decade 1945-1955.

On West Germany (since 1949, the Federal Republic of Germany), there is considerable information in print.<sup>1</sup> The official publications of state and local units have largely been restored after the lapses of the war and early postwar years.<sup>2</sup> They include state law gazettes (*Gesetz- und Verordnungsblätter*), proceedings of state legislatures, statistical yearbooks, handbooks and admin-

<sup>1</sup> Federal-state relations, Polish administration of the territory east of the Oder-Neisse Line, and the Saar are not covered in this bibliography. Moreover, space does not permit much discussion of Berlin, East Germany, and Allied military government (1944-1949). A standard work on postwar Berlin is Elmer Plischke, *Berlin: Development of Its Government and Administration* (Bad Godesberg, Office of the U. S. High Commissioner for Germany, 1952) which includes an English translation of the West Berlin constitution of 1950. In the German Democratic Republic, state and local governments have fared as badly as they did under the Nazi regime, the states being abolished in 1952. Some comment on the subject is found in Kurt Glaser's chapter in Litchfield's volume (cited above in the text), and in a chapter in J. P. Nettl, *The Eastern Zone and Soviet Policy in Germany, 1945-1950* (New York, Oxford University Press, 1951). On allied military government, see Lucius D. Clay, *Decision in Germany* (Garden City, Doubleday, 1950; Harold Zink, *American Military Government in Germany* (New York, Macmillan, 1947); Wolfgang G. Friedmann, *The Allied Military Government of Germany* (London, Stevens, 1947).

<sup>2</sup> On the earlier documentation, see Everett S. Brown, *Manual of Government Publications: United States and Foreign* (New York, Appleton-Century, 1950), pp. 85-87.



istrative reports, decisions of higher state administrative courts, and a vast quantity of local government documents.<sup>3</sup>

The state constitutions and laws on state and local government are available, not only in official gazettes of the Länder, but also in convenient collections which often have introductions and commentaries. Texts and English translations of the state constitutions of the U. S., French, and Soviet Zones are provided in *Constitutions of the German Länder* (Berlin, Office of Military Government for Germany (US), 1947). The constitutions adopted after 1947 are those of Hamburg, Lower Saxony, North Rhine-Westphalia, Schleswig-Holstein, and Baden-Württemberg. For the Hamburg constitution, see Wilhelm Loeschelder, ed., *Die Gemeindeordnungen in den westdeutschen Ländern und die Verfassungen von Berlin, Hamburg und Bremen* (Stuttgart, Kohlhammer, 1953), which also contains the text of all the Gemeindeordnungen except those enacted by Lower Saxony and Baden-Württemberg in 1955.<sup>4</sup> Johannes Hohlfeld, ed., *Dokumente der deutschen Politik und Geschichte von 1848 bis zur Gegenwart* (Berlin, Wendler, 8 vols., 1951-1955) reprints the Schleswig-Holstein constitution (Landessatzung) of 1949 (Vol. 6, pp. 456 ff), the Lower Saxony constitution of 1951 (Vol. 7, pp. 23 ff), and the Baden-Württemberg constitution of 1953 (Vol. 8, pp. 285 ff). For each state, scholars or officials have edited collections of laws on state and local government. See e.g., Günter Dürig, ed., *Gesetze des Landes Baden-Württemberg* (Munich, Beck, 1956).

Under general works, a comprehensive analysis is Edward H. Litchfield et al., *Governing Postwar Germany* (Ithaca, Cornell University Press, 1953). Besides two chapters on state and local government by Roger H. Wells, other topical chapters include state and local material. J. F. J. Gillen, *State and Local Government in West Germany, 1945-1953* (Bad Godesberg, Office of the U. S. High Commissioner for Germany, 1953) deals mainly with the U. S. Zone and Bremen and briefly with the British and French Zones. An earlier study is Comstock Glaser, *Land and Local Government in the U. S. Zone of Germany* (Berlin, Office of Military Government for Germany (US), 1947). Alfred Grosser, ed., *Administration et politique en Allemagne occidentale* (Paris, Colin, 1954) includes "case studies" of four states (Lower Saxony, Hesse, North Rhine-Westphalia, Baden-Württemberg) and four cities (Düsseldorf, Trier, Göttingen, and Heiligenhafen).<sup>5</sup>

More specialized publications include Joseph H. Kaiser, *Der Landtag* (pamphlet, Munich, Hochschule für politische Wissenschaften, 1951); Götz

<sup>3</sup> For further details about the Gemeindeordnungen, see Roger H. Wells' article in the *National Municipal Review*, Vol. 45, pp. 66-71 (February 1956).

<sup>4</sup> A. Koehler and K. Jansen, eds., *Die Bundesrepublik, 1954/55* (Berlin, Heymann, 1956) is a directory of the governmental organs of the Federal Republic, the states, and the principal local units. An important source of current municipal data is the *Statistisches Jahrbuch deutscher Gemeinden* (Brunswick, Waisenhaus), published annually by the Deutscher Städtetag, the association of the larger German cities.

<sup>5</sup> Among reference works on Germany, one of the most useful on state and local matters is Klaus Mehnert and Heinrich Schulte, *Deutschland Jahrbuch* (Essen, Rheinisches-Westfälisches Verlagskontor, 1st ed., 1949; 2nd ed., 1953).

Roth, *Fraktion und Regierungsbildung* (Meisenheim, Hain, 1954), a study of the formation of the cabinet of Lower Saxony in 1951, a monograph of a series edited by Dolf Sternberger, *Parteien-Fraktionen-Regierungen*; Ernst Walz et al., *Die Mittelstufe der Verwaltung* (Frankfurt, Institut zur Förderung öffentlicher Angelegenheiten, 1950); Hans Peters, ed., *Handbuch der kommunalen Wissenschaften und Praxis* (Berlin, Springer), of which the first of three volumes, *Kommunalverfassung*, appeared in 1956; Otto Ziebill, *Geschichte des deutschen Städtetages* (Stuttgart, Kohlhammer, 2nd ed., 1956), a fifty years' history of the most powerful of the associations of local governments; Verein für Geschichte der deutschen Landkreise, *Die Landkreise in der Bundesrepublik Deutschland* (Stuttgart, Kohlhammer, 1955), a ten years' history of the county government association; Fredo Wagener, *Die Städte im Landkreis* (Göttingen, Schwartz, 1955), on city-county relations; Karl Hahn, *Praktische Kommunalverwaltung* (Stuttgart, Kohlhammer, 1954), on municipal administration; Seydel, *Die kommunalen Zweckverbände* (Göttingen, Schwartz, 1955) on the more than 5,000 local *ad hoc* authorities; Walter Bauer, *Dezentralisation der Grossstadtverwaltung* (Göttingen, Schwartz, 1955); two monographs by Henry P. Pilgert, *Community and Group Life in West Germany* and *The West German Educational System* (Bad Godesberg, Office of the U. S. High Commissioner for Germany, 1952 and 1953); Alice H. Cook, *Adult Education for Citizenship in Postwar Germany* (pamphlet, Pasadena, Fund for Adult Education, 1954); Hans Wallenberg, *Report on Democratic Institutions in West Germany* (pamphlet, New York, American Council on Germany, 1956); Theodor Steltzer and others, *Bürgerverantwortung in der Gemeinde* (Frankfurt, Institut zur Förderung öffentlicher Angelegenheiten, 1952); and Klaus A. Lindemann, *Behörde und Bürger* (Darmstadt, Roether, 1952) in the Darmstadt survey series.

The most useful periodicals on state and local government are: *Archiv des öffentlichen Rechts* (Tübingen, Mohr, quarterly); *Der Städtetag* (Stuttgart, Kohlhammer, monthly), the official organ of the Deutscher Städtetag; *Die Selbstverwaltung* (Heidelberg, Jedermann, monthly), the official organ of the Deutscher Landkreistag; *Politische Studien* (Munich, Isar, monthly) issued by the Munich Hochschule für politische Wissenschaften; *Zeitschrift für Politik* (Berlin, Heymann, quarterly) issued by the Deutsche Hochschule für Politik, Berlin; *Neue juristische Wochenschrift* (Munich, Beck, weekly); *Die öffentliche Verwaltung* (Stuttgart, Kohlhammer, twice monthly); and *Deutsches Verwaltungsblatt* (Berlin, Heymann, twice monthly).

## SWEDISH LOCAL GOVERNMENT

ANNIKA BAUDE

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Local government institutions have occupied an important place in Sweden over a long period of time and consequently it is not surprising that the literature dealing with the history of the towns and counties is extensive. Space does not permit a listing of even the more significant historical works, but the many

titles will be found listed in the catalogues of the Swedish Parliamentary Library and in the Swedish historical bibliographies covering the period from 1771 to date. Note may also be made of *Katalog över stadshistoriska institutets registersamling* (Stockholm, 1937) and *Stadshistorisk revy. Register över stadshistorisk litteratur 1920/21—*, published every second year in Stockholm.

Official publications relating to local government in Sweden are numerous. Every county and most of the towns publish proceedings of their councils together with yearly collections of local acts. Some of the large cities publish local handbooks and statistical reports annually. The *Stockholms stads statistik*, published annually since 1904, is most comprehensive and contains a great deal of significant material. Much information is also included in the national statistical publications such as *Sveriges officiella statistik*, issued by the Central Statistical Bureau, which since 1913 has published special reports dealing with election returns, financial matters, and the like.

Official reports of public commissions investigating local government problems in Sweden are extensive. Some 13 reports during the period 1944-54 dealt with various aspects of local government. Examples of such reports are: *Sveriges offentliga utredningar: Betänkande med förslag till riktlinjer för en revision av rikets indelning i borgerliga primärkommuner* (1945) and *Länsstyrelsernas organisation och ställning inom länsförvaltningen* (1950).

General works dealing with Swedish local government include the following: N. Andrén, *Local Government in Sweden* (Stockholm, Swedish Institute, 1955); G. Hesselén, *Public Administration in Sweden* (Stockholm, Swedish Institute, 1952); E. Broms, *Studier rörande det svenska landstinget* (Stockholm, 1930); P. Grante, *Om den kommunala instruktions- och finansmakten* (Stockholm-Lund, 1946); T. Grünthal, *Modern kommunalförvaltning* (Stockholm, 1955); G. Heckscher, *Svensk statsförvaltning i arbete* (Stockholm, 1952); Å. Larsson, *Om kommunaltjänstemän och kommunalarbetare* (Stockholm, 1948); F. Thunborg, ed., *Den nya kommunindelningen i text, statistik och kartor* (Stockholm, 1950); P. E. Sköld and T. De la Motte, *Kommunalkunskap* (11th ed., Stockholm, 1955); and O. Sörndal, *Våra landsting och deras uppgifter* (Stockholm, 1947).

There are a number of works dealing with the legal aspects of local government in Sweden. These include: E. Fahlbeck, *Förvaltningsrättsliga studier* (2 vols., Stockholm, 1938-41); N. Herlitz, *Föreläsningar i förvaltningsrätt* (3 vols., Stockholm, 1937-42); N. Herlitz, *Förvaltningsrättsliga grunddrag* (Stockholm, 1943); H. G. F. Sundberg and H. Berglund, eds., *Kommunal författningshandbok* (3rd ed. Stockholm, 1948); R. Malmgren, *Stadsbildningen från rättslig synpunkt* (Lund, 1910); S. Sjöberg, *Det kommunala besvärsinstitutet* (Stockholm, 1948); H. G. F. Sundberg, *Kommunalrätt. Allmänna delen* (Stockholm, 3rd ed., 1949); and O. Westerberg, *Om rättskraft i förvaltningsrätten* (Stockholm, 1951).

Various periodicals are worth consulting for material relating to local government: *Kammarrättens årsbok*. (Stockholm 1927- ); *Regeringsrättens årsbok* (Stockholm, 1912- ); *Landskommunernas tidskrift* (Stockholm, 1920- ); *Svenska stadsförbundets tidskrift* (Stockholm, 1909- ); *Sveriges landstings*.

*tidsskrift* (Stockholm, 1914- ); and *Årsbok för Sveriges landsting* (Stockholm, 1936- ). *Förvaltningsrättslig tidsskrift* (Stockholm, 1938- ) and *Nordisk administrativ tidsskrift* (København, 1920- ) not only contain articles of interest but are valuable because of their bibliographies.

## DANISH LOCAL GOVERNMENT

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The municipal yearbook *Kommunal Årbog*, published annually on commission by the Central trykkeriet in Copenhagen, summarizes the principal developments of local government and contains an index of books and periodicals. *Håndbog for Danske Kommuner*, edited by N. Møllmann and S. A. Hjernov (3 vols., Copenhagen, Martins Forlag, 1954-55) deals with local government in general as well as special activities on the provincial town, parish, and county levels, but it does not cover Copenhagen, Frederiksberg, and Gentofte. Ernst Andersen, *Administrativt Tilsyn med Kommunalforvaltningen* (Copenhagen, Gads Forlag, 1940) presents a detailed discussion of the administrative control of local government. Poul Andersen, *Dansk Forvaltningsret* (Copenhagen, Nordisk Forlag, 1946) is primarily a text on administrative law but contains useful sections relating to local administration. O. Bertolt, *Kommunekundskab* (Copenhagen, Workers' Educational Federation, 1954) provides a survey of local government in Denmark for study circles. *Statistisk Årbog for Danmark*, the statistical yearbook published by the Danish Statistical Department, with index translated into English, contains various sections of interest to students of local government and lists all publications of this agency in English. Among the special reports of the Statistical Department which may be useful to local government scholars are the following: *Elections of Local Governments* (1954), *Taxes on Real Property and Persons 55/56*, 4th series, Vol. 165, no. 1 and *Accounts of Municipalities and Ports, 1946/47-1951/52*, 4th series, Vol. 161 no. 1.

For those interested in the Danish capital, the city of Copenhagen has prepared a volume in English, *Capital of a Democracy* (Copenhagen, 1955). More technical studies of the capital include: Axel Holm's *Københavns Kommunes Forfatning* (Copenhagen, pub. by the City of Copenhagen, 2nd ed., 1954), used as a textbook in the training of municipal officials, and Axel Holm and Kjeld Johansen, *København 1840-1940* (Copenhagen, Nyt Nordisk Forlag, 1941), which traces political and economic developments. *Samling af Bestemmelser vedrørende Københavns Kommune*, published annually by the city of Copenhagen and going back to 1607, contains decisions of the town council, departmental administrative decisions, and the like. An annual publication, starting in 1840, *Københavns Borgerrepræsentations Forhandlinger*, contains the proceedings of the town council of Copenhagen. *Vedtaeg for Bestyrelsen af Københavns Kommunale Anliggender* provides for the formal framework of government in Copenhagen; *Københavns Borgerrepræsentations Forretnings-*

*orden* lists the rules of procedure of the Copenhagen town council. The Copenhagen Statistical Office publishes an annual statistical yearbook under the title *Statistisk Årbog for København, Frederiksberg og Gentofte samt Omegnskommunerne* and a monthly statistical review, *Statistisk Månedsskrift*. The same office publishes a municipal calendar, *Københavns Kommunalkalender*, which contains an outline of the development and present organization of municipal institutions. Those interested in public finance will find *Københavns Kommunes Regnskab og Beretning om Kommunens Anliggender*, published annually by the city of Copenhagen and reporting municipal finances, and *Regnskab og Beretning fra Frederiksberg Kommune og Gentofte Kommune*, a corresponding annual report of the finances of these cities, useful.

The report of the commission appointed by the Danish Ministry of the Interior in 1939, *Betaenkning afgivet Hovedstadskommissionen* (Copenhagen, 1948) may be of interest though its recommendations relating to municipal reform have not been put into effect.

Gunnar Olsen's *De Danske Kjøbstæder gennem Tiderne* (Copenhagen, J. H. Schultz Forlag, 1943) presents a history of Danish provincial towns over a period of centuries. W. Oxholm's *Landkommunernes Styrelse* (Copenhagen, Nordisk Forlag, 1935) gives an account of Danish rural parish administration but is now out-of-date.

*Kommunal Tidsskriftindex*, published monthly by the Copenhagen town hall library, is an index of municipal periodicals and publications. *Danmarks Kommunale Efterretninger* is a municipal weekly periodical. *Kjøbstadforeningens Tidsskrift*, published fortnightly, is the organ of the Danish Association of Provincial Towns; *Sognerådstidende* is a weekly periodical for rural municipalities. *Nordisk Administrativ Tidsskrift*, a journal of administration, occasionally runs articles dealing with local government in the nordic countries.

## LATIN AMERICAN LOCAL GOVERNMENT

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Publications on local government are not numerous in the Latin American countries, though materials are more adequate in Argentina, Brazil, and Mexico than elsewhere. It is to be hoped that the programs organized recently in Brazil and Costa Rica may serve to stimulate interest in this field throughout Latin America.

For useful surveys of local government in various countries of this area Austin F. MacDonald, *Latin American Government and Politics* (New York, Crowell, rev. ed., 1954) may be consulted.

The legal aspects of municipal government in Argentina are dealt with in Salvador C. Vigo, *El régimen municipal de la constitución y las leyes orgánicas municipales* (Sante Fé, Imprenta de la Universidad Nacional del Litoral, 1943). Relations of municipalities and the federal government are discussed in Luis Eduardo Molina, *El municipio argentino ante el sistema federal de gobierno*

y los preceptos de la constitución nacional (Cordoba, Imprenta de la Universidad, 1946), and relations of provinces and the federal government in Austin F. MacDonald, *Government of the Argentine Republic* (New York, Crowell, 1942). A detailed treatise of significance is Rafael Bielsa's *Principios de régimen municipal* (Santa Fé, Imprenta de la Universidad Nacional del Litoral, 2nd ed., 1940). The important role of the city is dealt with in Horacio Julio Storni, *El municipio como institución* (Buenos Aires, Valerio Abeledo, 1949). Various aspects of Argentinian municipal administration are dealt with in Alberto G. Caldumbide, *Administración municipal* (La Plata, ed. del autor, 1942). The federal capital is discussed by Maximo I. Gomez Forgues in "El régimen municipal en la capital federal," *Revista de la facultad de derecho y ciencias sociales*, Universidad Nacional de Buenos Aires, tercera época, año 4, no. 13, enero-abril, 1949, pp. 135-172. The position of provinces is discussed in Rómulo Amadeo, "Las provincias ¿Son soberanos o autónomas?" *Boletín de la Biblioteca del Congreso Nacional*, no. 35, mayo-junio, 1940, pp. 369-375. Federal territories are treated in some detail in Juan Hilarión Lenzi, *Gobierno de territorios; conceptos básicos de la ley orgánica territorial* (Buenos Aires, Tall. gráf. de F. y M. Mercatali, 1939).

An illuminating survey of the development of municipal government in Brazil is to be found in a series of four articles by Océlio de Medeiros published in the *Revista do Serviço Público*: "A Constituição do direito municipal brasileiro na organização de Imperio," Ano 10, Vol. 2, nos. 3-4, julho-agosto 1947, pp. 45ff; "O município na organização republicana até 1937," Ano. 10, Vol. 1, nos. 3-4, marco-abril 1947, pp. 50-59; "A reforma municipal na Constituição de 1946," Ano. 10, Vol. 1, nos. 1-2, jan.-feb. 1947, pp. 49-57; and "A situação municipal na carta e no regime de 10 de novembro de 1937," Ano 10, Vol. 2, nos. 1-2, maio-junho, 1947, pp. 63-71. Two general volumes dealing with municipal government in Brazil are Orlando M. Carvalho, *Problemas fundamentais do município* (São Paulo, Nacional, 1937) and Victor Nunes Leal, *Coronelismo, enxada e voto. O município e o regime representativo no Brasil* (Rio de Janeiro, 1948). Statistical material relating to the various Brazilian states is to be found in a volume issued by the Divisão Territorial do Brasil under the title *Situação administrativa vigente*. Federal territories are dealt with in Océlio de Medeiros, *Territórios federais* (Rio de Janeiro, Ed. Nacional de direito, 1944). Local government personnel administration is discussed in J. H. Meirelles Teixeira, *O estatuto dos funcionários e a autonomia municipal* (São Paulo, Prefeitura do Município de São Paulo, 1947).

The development of municipal government in Latin America and especially in Chile is discussed in Manuel Ponce Jorquera, *Gobierno y autonomía municipal. Origen de los municipalidades, su establecimiento in América y el régimen actual instituido en los países americanos* (Valparaíso, Imprenta Mercantile, 1946). Treatises dealing with the legal aspects of municipal government in Chile are Jaime Guzmán Palacios, *Atribuciones, deberes y responsabilidades de los alcaldes* (Santiago, Central de publicaciones, 2nd ed., 1938) and C. Moraga Ramos, *De la responsabilidad en las municipalidades* (Valparaíso, Imprenta

Aurora de Chile, 1944). Raúl Saenz Veyra, *Asambleas provinciales* (Valparaíso, Sociedad ed. Italiana, 1942) analyzes the functions of provincial assemblies in Chile and contains information relating to local administration.

Two general works on municipal government in Mexico are Armando Carballo, *El sistema municipal en México, desde su implantación hasta la constitución de 1917 y la reforma en el D.F. de 1928 en Departamento central* (Mexico, 1936) and M. C. Rolland, *El desastre municipal en la república Mexicana* (Mexico, I. Molina M., 2nd ed., 1939). Economic aspects of municipal government are discussed in Félix Chaires González, *Estudio económico de los municipios de los Estados Unidos mexicanos* (Mexico, 1936). Three theses dealing with municipal government contain a considerable amount of significant material: Salvador González Lobo, *El municipio Mexicano* (1940), Florencio Barrera Fuentes, *Historia y destino del municipio en México* (1950), and Mario Colin, *Notas sobre el municipio en México* (1949): these were done at the National University of Mexico.

The remaining Latin American countries have only scattering publications in the local government field. These include: Roberto Molina, *Guía municipal de Colombia* (Bogotá, Imprenta nacional, 1936), now largely out-of-date; Ricardo Arenas Calvete, *Guía administrativo* (Bucaramanga, Colombia, Imprenta del Departamento, 1949), a more current work dealing with Colombian municipal affairs; a report of the second meeting of municipal government officials in Ecuador published under the title *Congreso de municipalidades Ecuatorianas. Segundo* (Quito, Fray Jodoco Röske, 1951); and O. G. Ricketson, Jr., "Municipal Organization of an indian township in Guatemala," *Geographical Review*, Vol. 29, 1939, pp. 643-647.

### NEAR EAST LOCAL GOVERNMENT<sup>1</sup>

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Materials in this field are scarce, fugitive, and mostly secondary. In the states which emerged from the gradual breaking up of the Ottoman Empire, the form of local government has followed the French model. Prefects and their staffs, appointed from the national level, supervise every move of local officials, though elective local councils and chief executives give a semblance of democratic government. Thus local government has had little or no interest for the native intelligentsia or the trained civil service, and there is little indigenous literature on the subject. What exists is, for obvious linguistic reasons, not readily useful to the Western reader. Moreover, in English and French there is only too little; still less, in German, Italian, or Russian.

The legal foundations of local government are found in the constitutions of the national states. Helen Miller Davis, *Constitutions, Electoral Laws, and*

<sup>1</sup> Since the REVIEW hopes to publish in a later issue a bibliographical article on government and administration in Arab Asia, Professor Alderfer has confined his bibliography to non-Arab countries: Greece, Turkey, Egypt, the Sudan, and Iran.—[ED.]

*Treaties of States in the Near and Middle East* (Durham, Duke University Press, rev. ed., 1953), in which constitutions and other documents are translated into English or French, is basic. A current source of documentary materials and authoritative articles is the *Middle East Journal*, published quarterly since 1947 by the Middle East Institute, Washington, D. C. *The Royal Central Asian Journal*, published quarterly since 1914 by the Royal Central Asian Society of London, and *Middle East Affairs*, a monthly publication of the Council for Middle East Affairs, are authoritative and informative.

The Middle East Institute recently published *Current Research in the Middle East*, 1955, a definitive 175-page volume which contains 1,018 entries arranged as to topic, researcher, sponsoring organization, time of completion, and scope of work now going forward in the universities and institutes of the Middle East and Western world. Political science is one of the main subjects included. The Royal Institute of International Affairs in 1950 published *The Middle East, a Political and Economic Survey* (London and New York, 1950), which contains brief sketches of provincial and local governmental organization in Egypt, Iran, the Sudan, and Turkey as well as political information about all Near East countries. Europa Publications Limited, London, published *The Middle East, 1955*, a survey and directory of Arabia, Cyprus, Egypt, Iraq, Israel, Jordan, Lebanon, Libya, Persia, the Sudan, and Turkey. In it are brief outlines of the constitutions and governmental organizations, including those of regional and local governments. Previous editions were published in 1948, 1950, and 1953.

For background material, *The Evolution of Public Responsibility in the Middle East*, published by the Middle East Institute (Washington, D. C., 1955), is recommended, though the material on government is general rather than specific; it contains a series of addresses presented at the Ninth Annual Conference on Middle East Affairs. Hedley V. Cooke, *Challenge and Response in the Middle East: The Quest for Prosperity, 1919-1951* (New York, 1952) has the same defect, as do Alfred Bonn  , *State and Economics in the Near East* (London, 1948); Halford L. Hoskins, *The Middle East* (New York, 1954); Ernest Jackh, ed., *Background of the Middle East* (Ithaca, Cornell University Press, 1952); and Hans Kohn, *A History of Nationalism in the Near East* (New York, 1929).

For a detailed examination of government under the Ottoman Empire, H. A. R. Gibb and Harold Bowen, *Islamic Society and the West*, Vol. I, and *Islamic Society in the Eighteenth Century*, (London, Oxford University Press, 1950) are excellent; as an indispensable tool for research Henry W. Hazard, *Atlas of Islamic History* (Princeton, Princeton University Press, 1952) is most helpful.

Writings on technical assistance and Point Four programs of the United States government often deal obliquely with local government, although the true significance of this relationship has never yet been fully explored. The March, 1950, issue of the *Annals of the American Academy of Political and Social Science* is devoted to Point Four.



In Greece, extensive study of local government was made by the American Mission (ECA) in Athens during the period 1950-52. Articles and pamphlets resulting from this work include several by Harold F. Alderfer: *Facts on Greek Local Government: A Preliminary Outline* (Athens, U. S. ECA Civil Government Division, 1950); *Report on Greek Local Government* (Athens, U. S. Mutual Security Administration, 1952); "United States Aid at the Grass Roots," *National Municipal Review*, April, 1953, pp. 168-171; "Modern Greek Government: The Basic Framework," *Journal of Central European Affairs*, January, 1953, pp. 331-345; and "Modern Greek Government: The Realities," *Journal of Central European Affairs*, April, 1953, pp. 28-46. A volume that provides an excellent political background for the troublesome years since the beginning of World War II is Bickham Sweet-Escott, *Greece: A Political and Economic Survey, 1939-1953* (London, Royal Institute of International Affairs, 1954). The evolution of local government in liberated Greece is outlined in G. T. Bacopoulos, *Outline of the Greek Constitution: Political Systems since the Greek Revolution; Proportional Representation* (Athens, 1950).

Modern local government in Turkey is described in broad outline by Eleanor Bisbee in *The New Turks* (Philadelphia, University of Pennsylvania Press, 1951). Her article, "Test of Democracy in Turkey: Structure of the Turkish Government," in the *Middle East Journal*, April, 1950, pp. 170-182, is enlightening. John M. Donovan, *The Government of Turkey* (Washington, D. C., 1925) describes regional and local government in some detail. E. D. Ellis's article, "The Evolution of Turkish Political Institutions: Internal Developments in Turkey; Political Growth in Turkey, A Case Study," is found in two installments of *Current History*: December, 1947, pp. 347-351, and September, 1948, pp. 95-99. H. A. Reed in the *Foreign Policy Bulletin* of March 15, 1955, discusses "Turkish Democracy at the Cross-roads: Certain Instances of Apparent Political Regressions." The Turkish Information Office supplies a pamphlet *Self-Government in Turkey*. Some information is also available in the *Country Data Book* for Turkey (Washington, D.C., 1950) published by the U. S. Economic Cooperation Administration.

A brochure, *Cyprus Government, Handbook of Information Prepared for Use of the United Kingdom Goodwill Trade Mission*, was issued at Nicosia in Cyprus by the Government Printing Office in 1946.

There is surprisingly little material on Egyptian local government in spite of the long British occupation. J. M. Landan in his *Parliaments and Parties in Egypt* (Israel Publishing House, 1953) deals with the history of parliamentary institutions and political parties and the extent of European influence, providing a good background for further exploration in local institutions of government. Henry Habib Ayrant's *The Fellaheen* (Cairo, 1945) gives a sociological and economic picture of village life and its peasants with some side glances at local governing practices.

In the October, 1953, issue of the *Journal of African Administration*, L. M. Buchanan discusses "Local Government in the Sudan since 1947," and in the *Municipal Journal* of January-February, 1954, "Local Government in the

Sudan, the Financial Structure; Difficulties of Recruiting Suitable Staff." R. C. Mayall has an article "Recent Constitutional Developments in the Sudan" in the July, 1952, *International Affairs*.

The most ambitious governmental study of modern Iran or, in fact, of any modern Near East nation is the *Report on Seven Year Development Plan for the Plan Organization of the Imperial Government of Iran* (5 vols., New York, 1949), published by the Overseas Consultants, Inc. Local government, as well as the regional pattern of the national government, is examined in relation to the problem of governmental decentralization. Public health, education, town improvement and planning, low cost housing, water supply, and other local functions are described and analyzed with an eye to recommendations for the future. An earlier American attempt to put Persian government in order is described by A. C. Millsbaugh, *Americans in Persia* (Washington, Brookings Institution, 1946).

## LOCAL GOVERNMENT IN INDIA

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The history of local government in India is divided into three periods: pre-British, British, and since independence. R. K. Mukherji, *Local Government in Ancient India* deals with the first period. C. M. P. Cross, *The Development of Self Government in India, 1858-1914* (Chicago, 1922) discusses the earlier part of the second period, while H. Tinker, *The Foundations of Local Self-Government in India, Pakistan, and Burma* (London, 1954) considers developments down to 1937. Far-reaching changes are taking place as a result of independence, but it is too early to present anything like a full picture. For information in regard to the many significant changes since Indian independence, scholars will have to depend at present on the reports of the state ministries of local government, annual reports issued by the states, newspapers, and the like.

Various public bodies have conducted inquiries into the problems of local government in India; their reports constitute one of the most valuable sources of information. The *Report of the Indian Statutory Commission of 1930*, published by His Majesty's Stationery Office in London, has much to offer students of local government. The *Report of the Local Self-Government Committee of Bombay* (1939), *Report of the Local Self-Government Committee of the Government of Uttar Pradesh* (1940), *Report of the Janapada Enquiry Committee of Madhya Pradesh* (1952), and the *Report of the Uttar Pradesh Panchayat Raj Amendment Act Committee* (1954) are all worth consulting. The *Report of the States Enquiry Commission of the Government of India* is expected to appear soon and should be a valuable source. The *Report of the Taxation Enquiry Committee of the Government of India* (1955) sheds light on the problem of local government finance.

Other official publications are useful in a study of Indian local government. The annual *Statistical Abstract of India* contains much material on local govern-

ment. *The Census of India, 1951*, is also useful. Material on local government activities is contained in the annual report of each state; in the annual reports of the state ministries of local government; and in the legal, procedural, and finance manuals published by the states for the use of local government officials. The states publish in a completely codified form the acts and regulations relating to local government bodies within their jurisdictions.

The general literature on Indian local government is not extensive. Several publications deal with the legal aspects of local government; perhaps P. D. Aiyangar, *The Law of Municipal Corporations*, which has appeared in various editions, is as useful as any. Non-legal studies include: H. T. S. Forrest, *The Indian Municipality* (Calcutta, 1909); K. Viswanathan, *A Guide to Panchayat Administration* (1947); M. P. Sharma, *Local Government and Finance in U. P.* (Allahabad, 1946); Hind Kitabs, *Local Self Government in India* (Bombay, 1951); K. T. Shah, *Constitution, Functions and Finance of Indian Municipalities* (Bombay, 1925); J. G. Drummond, *Panchaya'ts in India* (Bombay, 1937); J. Mathai, *Village Government in British India* (London, 1915).

The Local Self-Government Institute at Bombay is the center for various programs relating to local government. Its quarterly journal contains much pertinent information. In 1941 this institute published a much-used *Directory of Local Self-Government in India*; this is now being revised. The *Local Self Government Review*, published in Delhi, is useful; the *Indian Journal of Political Science* contains occasional articles on local government.

## PHILIPPINE LOCAL GOVERNMENT

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Except for a few monographs, little has been published on Philippine local government. Several general works on the Philippines contain some material, usually merely legal descriptions.

Knowledge of its earlier development is prerequisite to understanding contemporary local government. The best single source for the Spanish period is Emma H. Blair and James A. Robinson, eds., *The Philippine Islands, 1493-1898* (3 vols., Cleveland: A. H. Clark Co., 1903-09); this collection of translations from Spanish sources includes occasional references to local government. A more compact and detailed description of the organization and finances of towns, *barangays*, and provinces in the nineteenth century can be found in John Foreman, *The Philippine Islands* (New York, Scribner's, 3rd ed., 1906), ch. 13; this chapter also stresses the functions of the Judge Governors, Provincial Civil Governor, *Gobernadorcillo*, and *Cabeza de Barangay*. José P. Laurel, *Local Government in the Philippines* (Manila, La Pilarica Press, 1926) provides an excellent account of local government under the Spanish and through the first two decades of American administration.

American policy aimed at the democratization, Filipinization, and increased

efficiency of local government; unfortunately, with somewhat conflicting results. Official reports and recommendations are found in *Reports of the Philippine Commission*, selected items published annually by the Government Printing Office (Washington, D. C.), 1900-15, either as separate documents or as parts of the *Reports of the United States War Department*. Some of this material for the same period is covered in Dean C. Worcester and Joseph R. Hayden, *The Philippines Past and Present* (New York, Macmillan, 1930); here are also two informative chapters on the social structure and administration of the non-Christian tribes. Worcester was Secretary of the Interior of the Philippine Islands, 1901-19, and a member of the Philippine Commission, 1900-13. However, the most scholarly and comprehensive treatment of the structure, problems, and tendencies of local government from 1900 to the Second World War is Hayden, *The Philippines: A Study in National Development* (New York, Macmillan, 1942), chs. 11, 12. Hayden, who was Vice Governor, 1933-35, also analyzes the relation of the local to the central government, emphasizing the trend toward centralization under Quezon.

Two publications necessary for an understanding of the legal status of local government under the Republic are the *Revised Administrative Code of the Philippines* (Manila, Bureau of Printing, 1951), chs. 56-61, and Emiliano P. Cortez, *Provincial and Municipal Law of the Philippines* (Manila, Lawyers Cooperative Publishing Co., 1952). While it contains useful background material on pre-Spanish local government (particularly the early written law codes), the main value of José M. Aruego, *Philippine Government in Action* (Manila, University Publishing Co., Inc., 1954) rests in its extensive coverage, chs. 20-23, of current local government; it relies heavily, however, on the law rather than on actual practice. An attempt to fill this gap is John H. Romani and M. Ladd Thomas, *A Survey of Local Government in the Philippines* (Manila, Institute of Public Administration, University of the Philippines, 1954), based on a field survey using extensive interviews with local officials and citizens. Romani and Thomas are also the authors of the study of local administration in Edwin O. Stene *et al.*, *Public Administration in the Philippines* (Manila, Institute of Public Administration, University of the Philippines, 1955), ch. 4.

While the conditions of the provinces, chartered cities, and municipalities are uniformly unsatisfactory, the village, or *barrio*, is at present considered the major problem of local government. Conditions in the *barrio* are described in Generoso F. Rivera and Robert T. McMillan, *The Rural Philippines* (Manila, U. S. Foreign Operations Administration, 1952); based on field surveys, it includes an analysis of the concentration of economic and political power in a small group, usually of the dominant land-owning class, in each *barrio*. The plight of the *barrio* people and recommendations for government and foreign aid to the *barrio* are the main themes of Roland R. Renne, "Social Unrest and the Barrio Economy," *Philippine Review* (December, 1952). M. Ladd Thomas, "The Philippine Rural Development Program," *Social Research*

(Summer, 1955), outlines President Magsaysay's program to alleviate conditions in the *barrio* and strengthen it administratively. The best recent treatment of the *barrio* is John H. Romani, "The Philippine Barrio," *The Far Eastern Quarterly* (February, 1956).

## JAPANESE LOCAL GOVERNMENT

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The following bibliography is designed to be of use to both Japanese area specialists and those interested in comparative institutions. Thus a special effort has been made to cite as much as possible of the pertinent material in English,<sup>1</sup> and to include many articles written in English while excluding specific citations of similar Japanese material.<sup>2</sup>

1. *Bibliographies*: Material in Western languages is listed in Borton, Eliséeff, Lockwood, and Pelzel, *A Selected List of Books and Articles on Japan* (Cambridge, 1954)<sup>3</sup> and in *The Far Eastern Bibliography*, published until 1954 in each August issue of the *Far Eastern Quarterly*, and since then as a separate issue each September. Those who can read Japanese will find two volumes of the Bibliographical Series of the University of Michigan of great value: John W. Hall, *Japanese History: A Guide to Japanese Reference and Research Material* (Ann Arbor, 1954) emphasizes the period before the Meiji Restoration (1867);<sup>4</sup> Robert E. Ward, *A Guide to Japanese Reference and Research Materials in the Field of Political Science* (Ann Arbor, 1950) includes a list of bibliographies on local government, covering mainly the period 1867-1941. Wartime and postwar research is emphasized in Robert E. Ward, "A Survey of Political Science Literature on Japan," this REVIEW, XLVI (1952), 201-213.<sup>5</sup> Fred W. Riggs, "Notes on Literature Available for the Study of Comparative Public Administration," this REVIEW, XLVIII (1954), 515-537, contains a brief section on Japan.

<sup>1</sup> Publications in English or in English and Japanese are cited only by their English title. When a publication appeared only in Japanese, the English translation of the title is given in the text and the Japanese title in a footnote. Japanese personal names are given in the customary Japanese order: i.e., family name first.

<sup>2</sup> No comprehensive study of Japanese local government has been published in any Western language. Kurt Steiner, *Local Government in Japan* (unpublished thesis, Stanford, 1955) is an introductory survey of its historical, legal, political, and sociological aspects. Cecil C. Brett, *The Government of Okayama Prefecture* (unpublished doctoral dissertation, University of Michigan, 1956) is a valuable case study of local autonomy on the prefectural level.

<sup>3</sup> This work lists the standard bibliographies in English, French, and German.

<sup>4</sup> John W. Hall also wrote "Materials for the Study of Local History in Japan: Pre-Meiji Records," *Occasional Papers*, no. 3, pp. 1-14 (Ann Arbor, Center of Japanese Studies, University of Michigan, 1952).

<sup>5</sup> The last-named three sources are hereafter cited as Hall, *Guide*; Ward, *Guide*; and Ward, "Survey."

The Union of Japanese Societies of Law and Politics publishes annually in English the *Japan Science Review: Law and Politics*, 1950-. The 1951 and 1952 issues took the form of an annotated bibliography; local self-government is treated primarily under administrative law, but the entries are broader than this heading indicates. A *Collection of Opinions on the Reform of the Local Government System*, published by the National Association of City Mayors, contains synopses of articles which appeared in 1951 and 1952, when the Occupation reforms were first subjected to intensive reconsideration.<sup>6</sup> Bibliographies of current publications appear, without annotations, as appendices to various periodicals.

2. *Periodicals*: One of the best of the Japanese periodicals, dealing specifically with local government, is *Municipal Problems*, published by the Tokyo Institute of Municipal Research.<sup>7</sup> It contains articles of high quality, primarily on problems in public administration. Some issues deal with a single topic: e.g., city planning (February, 1954), housing (March, 1954), or problems of newly-established cities (May, 1956). Each number contains a valuable section on current affairs and a topically arranged list of articles in Japanese and western periodicals. Similar in many ways is the *Journal of Municipal Problems*, published in Osaka.<sup>8</sup> *Self-Government Studies* regularly contains articles by officials of the central government, and an appendix summarizing new laws, ordinances, regulations and notifications from the Autonomy Board to the Prefectural governments.<sup>9</sup> A newcomer is the *Collection of Essays on Self-Government*, published by the Self-Government Research Association.<sup>10</sup> Each issue is devoted to a timely topic: e.g., regionalism (October, 1954) or local administrative commissions (March, 1956), with relevant documents and excerpts from periodicals and newspapers in an appendix. The National Association of City Mayors publishes a monthly journal, *City Government*, 1952-.<sup>11</sup> Monthly publications under the auspices of the Autonomy Board are *Local Self-Government*, edited by the Association for the Study of the Local Government System,<sup>12</sup> and *Local Government Times*, edited by the Local Finance Association.<sup>13</sup> Both

<sup>6</sup> Zenkoku Shichōkai, *Chihō Seido Kaikaku ni kansuru Ikenshū* (Tokyo, 1952).

<sup>7</sup> The Tokyo Institute of Municipal Research (Tokyo Shisei Chōsakai) was founded in 1922. *Municipal Problems (Toshi Mondai)* appears monthly.

<sup>8</sup> The *Journal of Municipal Problems (Toshi Mondai Kenkyū)*, 1949-, is published by the Association for the Study of Municipal Problems (Toshi Mondai Kenkyūkai), an organization sponsored by the Osaka Municipal Government. Where a publication shows both a Japanese and an English title—as is the case with the *Journal*—the English title is used in this bibliography, whether it is an exact translation of the Japanese title or not.

<sup>9</sup> *Jichi Kenkyū*, 1925—Monthly. The Autonomy Board (Jichi Chō)—until 1952 known as the Local Autonomy Agency (Chihō Jichi Chō)—is the successor to the Local Affairs Bureau of the defunct Home Ministry, but has fewer legal powers than its predecessor.

<sup>10</sup> *Jichi Ronshū*, May, 1954—Quarterly or Semi-annually. The Self-Government Research Association (Jichi Kenkyūkai) is sponsored by the Osaka Prefectural Government.

<sup>11</sup> Zenkoku Shichōkai, *Shisei*.

<sup>12</sup> Chihō Jichi Seido Kenkyūkai, *Chihō Jichi*.

<sup>13</sup> Chihō Zaimukyōkai, *Jichi Jihō*.

contain articles on current issues. *Local Administration*, a daily newsletter, primarily for local government officials, is published by the Jiji Press.<sup>14</sup>

Periodicals of wider scope often contain articles on local government. The legal aspects are considered in the law reviews,<sup>15</sup> especially the *Public Law Review*, published semi-annually by the Japan Public Law Association;<sup>16</sup> other aspects in *The Journal of the Association of Political and Social Sciences* of Tokyo University,<sup>17</sup> the *Annals of the Japanese Political Science Association*,<sup>18</sup> the *Waseda Journal of Political Science and Economics*,<sup>19</sup> and the *Sociological Review*.<sup>20</sup> Publications in English which occasionally contain articles on local finance are the *Kyoto University Economic Review* and the *Osaka Economic Papers*.<sup>21</sup>

3. *Yearbooks*: Basic data are in the *Japan Statistical Yearbook*, issued by the Bureau of Statistics in the Prime Minister's Office (in Japanese and English). Statistics are also included in the *Local Autonomy Yearbook*, of particular value for its account of developments during the year, with the gist of legal amendments and of pertinent directives to local officials.<sup>22</sup> The *Municipal Yearbook of Japan* is a treasure house of information.<sup>23</sup>

4. *Historical Material*: The present local government system was built on the system established in the Meiji period. Continuity is apparent on the institutional level and in official attitudes. For historical material, the reader is referred to the above-mentioned *Guides* by Hall and Ward; many of the entries in Ward's *Guide* deal with the prewar system.<sup>24</sup> Material in English

<sup>14</sup> Jiji Tsūshinsha, *Chihō Gyōsei*.

<sup>15</sup> A list of law reviews is in Ward's *Guide*, pp. 20, 42 ff. See also Hall's *Guide*, p. 71 f. and *Japan Science Review*, no. 3, (1952), pp. vii-ix. A new law journal, *Jurist* (Jurisuto), 1952—, appears twice monthly.

<sup>16</sup> Nihon Kōhō Gakkai, *Kōhō Kenkyū*, 1949—. The topically arranged surveys of recent contributions to the field of public law are especially useful. The issue of October, 1953 (no. 9), contains a symposium on local government.

<sup>17</sup> Kokka Gakkai, *Kokka Gakkai Zasshi*, 1887—, monthly.

<sup>18</sup> The Japanese Political Science Association (Nihon Seiji Gakkai), founded in 1948, is a nationwide organization. The *Annals* (*Seiji Gakkai Nempō*) reflects recent trends in political science research in Japan.

<sup>19</sup> *Waseda Seiji Keizai-gaku Zasshi*, 1925—, monthly. A special number which appeared in English in October, 1952, contained articles on the "Development of Local Self-Government in Japan" by Sato Tatsuo and "The Problem of Special Cities in Japan" by Goto Ichiro.

<sup>20</sup> Nihon Shakai Gakkai, *Shakai-gaku Hyōron*, 1950— Monthly.

<sup>21</sup> Published by the Economics Departments of Kyoto and Osaka University respectively. On local finance, see, e.g., Kambe Masao, "Independence of Local Finance," *Kyoto University Economic Review*, XXIV (1954), 1-15, and Einoshita Kazuo, "Current Problems of Local Finance in Japan," *Osaka Economic Papers*, II (1954), 41-52.

<sup>22</sup> The *Local Autonomy Yearbook* (*Chihō Jichi Nenkan*) is edited by the Local Autonomy Research Association (Chihō Jichi Kenkyūkai), which consists primarily of members of the Autonomy Board. It is published by the Jiji Press.

<sup>23</sup> *Nihon Toshi Nenkan*, edited by the Tokyo Institute of Municipal Research and, since 1955 (Vol. 17), published by the National Association of City Mayors.

<sup>24</sup> An outstanding account of the establishment of the Meiji local government system and its subsequent development is *History of Fifty Years of Local Self-Government* (*Jichi*

is in Walter W. McLaren, "Japanese Government Documents," *Transactions of the Asiatic Society of Japan*, Vol. 42 (1914).<sup>25</sup> Okuma Shigenobu, *Fifty Years of New Japan* (New York, 1909) includes an essay on local government by S. Shimizu. There is a chapter on local administration in Harold S. Quigley, *Japanese Government and Politics* (New York, 1932); Hugh Borton, *The Administration and Structure of the Japanese Government* (Department of State Publication 2244, Far Eastern Series 8, 1945) shows the development from 1937 to 1945. Oda Yorodzu, *Principes de droit administratif du Japon* (Paris, 1928) also deals with local administration (pp. 176-223 and *passim*). A case study, now of historical interest, is Charles A. Beard, *The Administration and Politics of Tokyo: A Survey and Opinion* (New York, 1923).

5. *Legal Material*: The text of laws, ordinances, and regulations is published in the *Official Gazette*. A *Supplement to the Official Gazette* contains the records of the proceedings of both Houses of the Diet. For the convenience of occupation officials, the *Official Gazette* and the *Supplement* for the period from May, 1946, to April, 1952, appeared also in an English edition;<sup>26</sup> various governmental agencies also published English translations of the laws and ordinances regarding their functions. Thus the Prime Minister's Office issued in 1948 a loose-leaf booklet, *Laws Concerning Local Autonomy*, kept up to date by insertion sheets until 1951. The Local Autonomy Agency and the Local Finance Commission published an English version of the *Local Tax Law* (with some related laws) in 1950. A number of collections of laws are available in official and private editions:<sup>27</sup> e.g., the privately published *Compendium of Local Government Laws*.<sup>28</sup>

For the legislative history of the Occupation reform and of subsequent measures, the records of the appropriate Diet committees—especially the Imperial Constitution Amendment Draft Committee and the Local Administration Committee of both Houses—are important. They are published by the Bureau of the House in question.<sup>29</sup> Pertinent court decisions may be found in

*Gojannen Shi*), published by the Tokyo Institute of Municipal Research in 1941. The compiler of this work, Kikegawa Hiroshi, published his later research in a series of articles, "The Process of the Establishment of the Meiji Local Government System" ("Meiji Chihō Seido Seiritsu Katei"), in *Municipal Problems*, beginning in August, 1953 (Vol. 44, No. 8).

<sup>25</sup> Most books on recent Japanese history refer to the establishment of the Meiji local government system. See, e.g., McLaren's *Political History of Japan During the Meiji Era: 1867-1913* (New York, 1916) and Chitoshi Yanaga, *Japan Since Perry* (New York, 1949).

<sup>26</sup> For detailed information on the *Official Gazette* (*Kampō*) and the *Supplement to the Official Gazette* (*Kampō Gōgō*), see Ward, *Guide*, pp. 75 ff, and "Survey," p. 206. From September, 1953, to February, 1954, a private company, the International Public News Agency in Tokyo, published excerpts from the *Official Gazette* in English under the title, *Japan's Official Gazette*.

<sup>27</sup> For a description of these collections, see Ward, *Guide*, p. 68.

<sup>28</sup> Gakuyōshobō, *Chihō Jichi Roppō*. The collections of laws have the six basic codes as their core and are thus known as *Roppō Zensho* (Compendium of the Six Codes).

<sup>29</sup> *Teikoku Kempō Kaisai An Iinkaiiroku* and *Chihō Gyōsei Iinkaiiroku*.



the *Supreme Court Reports*<sup>30</sup> and in the *Collection of Precedents and Cases Relating to Local Government*, published in loose-leaf form by the Autonomy Board.<sup>31</sup>

From time to time special commissions have been established by law to submit proposals for local government reform. The Local Administration Investigation Committee was created in 1949, on the basis of a recommendation of the so-called Shoup Mission.<sup>32</sup> Headed by Kambe Masao, it submitted its *Recommendation Concerning Redistribution of Administrative Affairs* in 1950.<sup>33</sup> Although the recommendations were shelved, they illuminate a problem of paramount and continuing importance. After the Occupation, the Japanese government began to revise the Occupation-sponsored reforms and a Local System Investigation Council was instituted. Its reports, 1953-, have been implemented in many cases by subsequent legislation.<sup>34</sup>

Prefectures and larger cities publish their by-laws in printed form and the proceedings of their assemblies in printed or mimeographed form. A classified loose-leaf compilation of prefectural by-laws edited by the Autonomy Board is available under the title *Collection of Local Government By-Laws*.<sup>35</sup> Some prefectures also publish topical compilations of their by-laws and insertion sheets at various intervals. Almost all local entities publish basic data on history, population, schools, budget, etc., under the title *Outline of the Government of* . . .<sup>36</sup>

6. *Secondary Material on the Post-war System*: The Occupation gave an official account of its endeavors from 1945 to 1948 in the report of Government Section, SCAP, *Political Reorientation of Japan* (Washington, Government Printing Office, 1949). The first, narrative volume contains a section on local government (pp. 260-289). The second volume, a collection of documents, includes translations of the various constitution drafts—omitting significantly the original Government Section draft—and of some of the basic laws. All these laws have been amended repeatedly since.

<sup>30</sup> *Saikō Saibansho Hanreishū*; *Gyōsei Jiken Saiban Reishū*, both monthly.

<sup>31</sup> Jichi Chō, Gyōseibu, *Chihō Jichi Kankei Jitsurei Hanreishū*, 1951—.

<sup>32</sup> *The Report on Japanese Taxation by the Shoup Mission* (4 vols.) was published by SCAP in September, 1949. A supplementary *Second Report on Japanese Taxation* is available in an edition by the Japan Tax Association. Both are in English and Japanese. The Mission made recommendations on the tax system in general and on local functions and finances in particular. The Autonomy Board publishes a yearly *Report on the State of Local Finance* (*Chihō Zaisei no Jōkyō Hōkoku*); also the *Autonomy Monthly Report* (*Jichi Geppō*), containing regulations and statistics.

<sup>33</sup> Chihō Gyōsei Chōsa Iin Kaigi, *Gyōsei Jimu Saihai-run ni Kansuru Kankoku* (Tokyo, 1950).

<sup>34</sup> The Council (Chihō Seido Chōsakai) published its first *Report concerning the Reform of the Local Government System* (*Chihō Seido no Kaikaku ni kansuru Tōshin*) in October, 1953. For a critical analysis, see *Municipal Problems*, Vol. 44, no. 11 (November, 1953).

<sup>35</sup> Jichi Chō, Gyōseika, *Chihō Jichi Jōrei Shū*, published by the Teikoku Chihō Gyōsei Gakkai (Tokyo, 1951).

<sup>36</sup> *Ken* (*Shi, Chō, Son*) *Gaiyō*, preceded by the name of the local entity.

Books on the Occupation deal with the local government reforms only tangentially.<sup>37</sup> However, American scholars have written articles on aspects of local government. Ralph J. D. Braibanti dealt with "Executive Power in the Japanese Prefectural Government" and with "Neighborhood Associations in Japan and Their Democratic Potentialities."<sup>38</sup> Paul S. Dull, "The Political Structure of a Japanese Village," *Far Eastern Quarterly*, XIII (1954), 175-190, is a case study that goes beyond the legal institutions. Kurt Steiner discussed "The Japanese Village and Its Government," *Far Eastern Quarterly*, XV (1956), 185-199; he outlined Occupation and post-Occupation developments in "Local Government in Japan: Reform and Reaction," *Far Eastern Survey*, XIII (1954), 97-102. Robert E. Ward contributed to our understanding of Japanese political behavior in "The Socio-Political Role of the Buraku (Hamlet) in Japan," this *Review*, XLV (1951), 1025-1040, and in "Patterns of Stability and Change in Rural Japanese Politics," *Occasional Papers*, No. 1, pp. 1-6 (1951). He described village government in "Some Observations of Local Autonomy at the Village Level in Present-Day Japan," *Far Eastern Quarterly*, XII (1953), 183-202. George A. Warp published two critical articles in the *National Municipal Review*, XLI, XLII: "Americanization in Japan" (October, 1952) and "In Our Image and Likeness" (April, 1953).

Japanese writing on the postwar system has been prolific. An early reform provided for election of the hitherto appointed prefectural governors; in view of present endeavors to return to appointment, Nagahama Masatoshi's brief study on *Various Problems Concerning the Public Election of Governors* is still timely.<sup>39</sup> Perhaps the best commentary on the present constitution, with a chapter on local government, is the *Annotated Constitution of Japan*, edited by the Juridical Society of Tokyo University.<sup>40</sup> Very useful discussions of local government are included in all texts on constitutional and administrative law.<sup>41</sup> A monograph on the *Constitution and Local Self-Government* was pub-

<sup>37</sup> It is impossible to mention all these books here. The Institute of Pacific Relations published Edwin M. Martin, *The Allied Occupation of Japan* (New York, 1948) and Robert A. Fearey, *The Occupation of Japan, Second Phase: 1948-50* (New York, 1950). Harry Emerson Wildes, *Typhoon in Tokyo* (New York, 1955) is a critical but not always reliable appraisal. Harold S. Quigley and John E. Turner, *The New Japan: Government and Politics* (Minneapolis, 1956) contains a chapter on local government (pp. 377-406), an excellent introduction to the subject.

<sup>38</sup> *Far Eastern Quarterly*, IX (1950), 231-244, and VII (1948), 136-164. Braibanti's view on neighborhood associations contrasts with that of John Masland, "Neighborhood Associations in Japan," *Far Eastern Survey*, XV (1946), 355-358. See also the Tokyo Metropolitan Government's *Report on a Survey regarding the Actual Condition of Neighborhood Associations (Chūkai, Jichikai nado Jittai Chōsa Hōkokusho)* (Tokyo, 1956).

<sup>39</sup> Nagahama Masatoshi, *Chiji Kōen no Shomondai* (Tokyo, 1946). His *Local Self-Government (Chihō Jichi)* is a brief but perceptive study of its development.

<sup>40</sup> Hōgaku Kyōkai, *Chūkai Nihonkoku Kempō*. The second edition (1954) deals with the constitutional provisions on local government, Vol. 2, pt. 2.

<sup>41</sup> Some post-war texts are cited in Ward, *Guide*, pp. 71 ff, and "Survey," pp. 207 f. For recent works, see the *Japan Science Review*.

lished by Yanase Yoshimoto.<sup>43</sup> Sugimura Shozaburo wrote *An Outline of the Local Self-Government System*.<sup>44</sup> Besides the academicians, some practitioners must be mentioned.<sup>45</sup> Nagano Shiro, *Local Autonomy Law Article by Article—Interpretation and Application* is a comprehensive commentary.<sup>46</sup>

A number of books deal with the revision of the postwar reforms. Hara Ryonosuke *et al.*, *Problematical Points of the Local Government Reform* and Royama Masamichi, *The Reform of the Local Government System* contain excellent expositions of the problems and proposals for their solution.<sup>47</sup> Some fifty authorities contributed to the *Collection of Essays on Local Autonomy*, published under the auspices of the Autonomy Board by the Local Finance Association.<sup>48</sup> Tsuji Kiyooki, *Studies of the Japanese Bureaucracy*, deals with the present revisionist trend in a very suggestive chapter, "Natural Reaction and Political Reaction."<sup>49</sup>

Space prohibits discussion of the literature on more specific topics. But the voluminous work of Fujita Takeo must be mentioned, because his special field—local finance—is of fundamental importance and because he shows effectively its connection with the issue of centralization.<sup>50</sup>

7. *Field Surveys, Community Studies, and Public Opinion Polls*: In a country which comparatively recently adopted institutions developed in a different cultural context, divergences between law and actuality are particularly significant. Thus sociological material is of special interest. Fortunately, American and Japanese scholars have become increasingly interested in community studies. Richard K. Beardsley's thoughtful article "Community Studies in Japan," *Far Eastern Quarterly*, XIV (1954), 37–55, covers the work done by both up to now.<sup>51</sup> Specifically focused on the political behavior of the Japanese peasantry is Royama Masamichi, *Transformation of Self-Government*

<sup>43</sup> Yanase Yoshimoto, *Kempō to Chihō Jichi* (Tokyo, 1954). The new constitutional provisions on local government are also widely discussed in periodicals. Yanase Yoshimoto, Sugimura Shozaburo, Tanaka Jiro, Ukai Nobushige, Hara Ryonosuke, Kaino Michitaka, and others have contributed widely divergent views.

<sup>44</sup> Sugimura Shozaburo, *Chihō Jichisei Kōyō* (Tokyo, 1951).

<sup>45</sup> See, e.g., Suzuki Shunichi, *Local Self-Government System (Chihō Jichi Seido)* and Takatsuji Masami, *The Standard of Local Administrative Affairs (Chihō Gyōsei Jimu Kihon)*, both published in Tokyo, 1951. Mr. Suzuki is Vice-Chief of the Autonomy Board.

<sup>46</sup> Nagano Shiro, *Chikujō Chihō Jichi Hō-Kaishaku to sono Unyō* (Tokyo, 1953).

<sup>47</sup> Hara Ryonosuke *et al.*, *Chihō Seido Kaikaku no Mondaiten*, and Royama Masamichi, *Chihō Seido no Kaikaku*, both published in Tokyo, 1953. A recent book by Tanaka Jiro also has the title *Chihō Seido Kaikaku no Mondaiten* (Tokyo, 1956).

<sup>48</sup> Chihō Zaimukyōkai, *Chihō Jichi Rombunshū* (Tokyo, 1954). The occasion for this publication was the first anniversary of the Law for the Promotion of Amalgamations of Towns and Villages, a major development in Japanese local government.

<sup>49</sup> Tsuji Kiyooki, *Nippon Kanryōsei no Kenkyū* (Tokyo, 1953).

<sup>50</sup> See, e.g., Fujita Takeo, *An Essay on Japanese Local Finance (Nihon Chihō Zaisei Ron)* (Tokyo, 1943) and *History of the Development of Japanese Local Finance (Nihon Chihō Zaisei Hattatsu Shi)* (Tokyo, 2nd ed., 1951).

<sup>51</sup> Almost all studies deal with rural communities. In the field of urban sociology, see the writings of Isomura Eiichi, especially his *Urban Sociology (Toshi Shakaigaku)* (Tokyo, 1953).

in *Agricultural Villages*.<sup>51</sup> Surveys of attitudes toward local self-government have been published by the National Public Opinion Institute and by various local entities.<sup>52</sup> Particularly useful are investigations of the actual operation of newly created or reformed institutions, such as that of the Institute of Social Sciences of Tokyo University, *The Administrative Commission: Its Theory, History, and Actuality*,<sup>53</sup> and the joint publication of the National Association of Chairmen of City Assemblies and the Osaka Government Research Institute on *An Investigation of the Actual Conditions of Local Assemblies*.<sup>54</sup> Studies of this type depart from the traditional legal-historical approach and promise new insights into Japanese government and politics on both the local and national level.

<sup>51</sup> Royama Masamichi, *Nōson Jichi no Hembō* (Tokyo, 1948). There are notes on village government and politics in Andrew J. Grad, *Land and Peasant in Japan* (mimeogr., New York, 1952).

<sup>52</sup> See, e.g., Kokuritsu Seron Chōsajo, *Chihō Jichi ni kansuru Seron Chōsa* (1951) and *Chihō Jichi ni tsuite no Seron Chōsa* (1952); Tokyo-To, Sōmukyoku, *Tokyo Tosei ni tsuite* (1954); and Toshi Mondai Kenkyū, (Bessatsu), *Osaka-shi ni okeru Toshi Gyōsei ni kansuru Seron Chōsa* (March, 1954).

<sup>53</sup> Tokyo Daigaku, Shakai Kagaku Kenkyūjo, *Gyōsei Iinkai: Riron, Rekishi, Jittai* (Tokyo, 1951).

<sup>54</sup> Zenkoku Shi Gikai Gichōkai, Osaka Shisei Kenkyūjo, *Chihō Gikai no Jittai Chōsa* (Osaka, 1954).

## BOOK REVIEWS

*A Preface to Democratic Theory.* BY ROBERT A. DAHL. (Chicago: The University of Chicago Press. 1956. Pp. 155. \$3.00.)

Although modern political scholarship has paid unceasing attention to the theory and operation of democratic government, a number of questions essential to its understanding and performance remain as unsettled as ever. Where, for example, ought the power of decision to lie amid the conflicting demands of minorities and majorities? Under what conditions could a majority claim the right to enforce policies intensely distasteful to a legitimate minority? What restraints are needed if majorities, minorities, or those who govern in their name, are to be prevented from gross usurpations of power—indeed, from tyranny itself? What are the logical and empirical preconditions for the operation of a viable democracy?

These are the kinds of questions to which Professor Dahl addresses himself in this remarkably compact and tightly reasoned new book on democratic theory, given originally in lecture form for the Walgreen Foundation. In his approach he skillfully blends into a single admirable product the traditional methods of textual examination, the techniques of systematic or "formal" analysis (including symbolic demonstrations of key logical relations), and, finally, a hard-headed appraisal of the empirical realities. Political theory is approached not merely as an *a priori* enterprise, without obligation to the facts of life, but as a union of normative and empirical considerations in which the latter serve to qualify the former. The method might be described as systematic model-building, in which the model is assessed, reshaped, and made "operational" through reference to the empirical realities. The result is a work of considerable presence and vitality, sophisticated about method to a degree that most political scientists might well strive to emulate.

If Professor Dahl had done nothing more than demonstrate the value of his approach, pointing political theory to a possible new stage in its development, we should have reason enough to be grateful. But the substantive aspects of his contribution are as fresh and as compelling as the methods he has employed. He directs his attention mainly to three theoretical models (among the several which, he points out, could have been chosen) and subjects each of them to an intensive systematic and descriptive analysis. The first, *Madisonian democracy*, represents an effort "to bring off a compromise between the power of majorities and the power of minorities, between the political equality of all adult citizens on the one side and the desire to limit their sovereignty on the other." This has been the theory most preferred by Americans, for its emphasis on constitutional checks designed to disperse authority has seemed to them the surest defense against tyranny. Dahl finds the theory deficient both in the descriptive status of some of its assumptions and in the logic by which it is led to its conclusions. The Madisonian theory, he says, fails to demonstrate that tyranny will ensue if power is concentrated; nor has it shown that frequent elections

Chapter IX finds that intra-state politics has failed to keep pace with social demands, has thrown up obstacles to effective popular government, has experienced serious organizational deterioration, and has prompted the transfer of major political demands to Washington. Shortcomings of partisan politics are discerned especially in the quality of candidates developed for state-wide offices and in the failure to maintain adequate opposition parties. While the author is impressed by the power of "blind processes" in shaping political forms and habits (although pages 218 and 280 should be read together on this point), he suggests that state legislatures are perhaps the most strategic points for political reform.

This book is a happy wedding of methodology and purpose. A properly simple statistical apparatus guided by a bold and prolific imagination showers forth analyses which will compel both admiration and (one hopes) emulation. And the whole enterprise is illuminated by the pertinency and urgency of its central political questions, which emerge from the author's common-sense concern for the public welfare.

CHARLES M. HARDIN.

*The University of Chicago.*

*Revolt of the Moderates.* BY SAMUEL LUBELL. (New York: Harper & Brothers. 1956. Pp. ix, 296. \$2.75.)

This intensely written book seeks to describe and explain the mood of the American public as it both faces and turns away from the political problems of the 1950's. Such an ambitious project is bound to be contentious in its methods and findings. But one gets the general impression of a large task quite well performed—better, in considerable measure, than the author's *Future of American Politics* of four years ago.

Lubell's main thesis appears to be that the mood of the public is one of moderation: don't try too many things and don't try them very hard. He seems to fear that this mood is accompanied by an escapism which denies that there are any real problems to be solved or that, if there are problems, they need be met with more than slogans, sanctimonious righteousness, and a benign indifference. He seems to fear that in the busy process of getting and spending we will indeed lay waste our powers. Yet he shows faith both in the political means for solving problems that are available under our constitutional system and in the ultimate ability of the public itself to face them constitutionally.

The difficulty lies in assessing his data as they bear on this thesis. Lubell is now almost unique among investigators of public opinion in relying on his own rather than group resources for research. He reports that he talked with some 3,500 families during the 1952 campaign. Assuming that he interviewed during a ten-hour day, seven days a week for twenty-six weeks, he was able to spend an average of roughly a half-hour per family. This is fast work.

A more serious methodological problem lies in his prime reliance on deliberately non-random interviewing, because he believes in "concentrating one's interviewing in definable voting areas." Among his definable areas are some

of Volume I is fulfilled in later editions, the appearance this year of *America Votes* will be viewed half a century hence as one of the memorable milestones in the study of American government.

ALEXANDER HEARD.

*University of North Carolina.*

*American State Politics: An Introduction.* BY V. O. KEY, JR. (New York: Alfred A. Knopf, Inc. 1956. Pp. vii, 289, ix. \$4.50.)

This book, save for comparative reference, explores politics within the states other than those so masterfully examined in the author's *Southern Politics* (1949). Much focus is upon institutions and procedures, with Chapter II illuminating the considerable autonomy of individual state politics and Chapter III showing how partisan government is frustrated by the ubiquitous separation of powers, reinforced by the gerrymander (silent or otherwise). The next four chapters tentatively explain the origins and effects of primary elections. Efforts to popularize control of gubernatorial nominations in one-party states, especially in the South, prompted early adoption of primary laws, which were also manifestations nearly everywhere of popular revulsion against bossism and corruption. More recently, as a compelling analysis shows, states wherein major parties are fairly evenly balanced have witnessed the further development of pre-primary conventions or similar nominating conferences (Chapter IV). That primaries typically activate only small percentages of the eligible voters is indicated in Chapter V, which suggests how this fact, plus the appeals of symbolic names or of glittering personalities, can nominate "the most improbable sorts of characters." Further vindicating its subtitle, "The Illusion of Popular Rule," this chapter shows how power tends to gravitate disproportionately to those intra-state areas wherein one or the other party enjoys great preponderance.

Legislative nominations over recent decades are then examined in a number of states; some consequences of the fact that traditionally major party nominations are often tantamount to election are brought out and, more tentatively than the title of Chapter VI implies, the tendency toward atrophy of the organizations of distinctly minority parties is suggested. Chapter VII turns from the primaries to the "Lottery of the Long Ballot."

Chapter VIII shifts from institutions to the group bases of partisan organizations—historical allegiances, sectional rivalries, metropolitan-nonmetropolitan cleavages, and ethnic-racial-religious differences. In an analysis which is of considerable significance for the current theory of political groups, Key argues that "as partisan groupings develop they come to have an existence quite independent of the affiliations of their members with other social groups" (p. 241). This leads, first, to the question whether the hard core of partisan support is similarly composed on the state and national level and, ultimately, to a thoughtful inquiry into the characteristics of partisan leadership, especially as these characteristics differ between the parties, by geographical sections, and over time.

those students able to stand the tedium and cost of an extensive exercise in compilation.

These primitive conditions have spurred political scientists for more than a decade to an active campaign for some sort of system to preserve and publish American electoral statistics. Numerous individuals, committees, and organizations have invested countless hours (and some very countable dollars) in the task. The end result of it all is Volume I of Richard M. Scammon's *America Votes—A Handbook of Contemporary American Election Statistics*.

The fact that there is a volume at all is more important than what is in the present one, though what is in the present volume is impressive. American politics being state politics, the data are arranged by states. Included are the county-by-county votes for the most recent general elections for president, governor, and the two sitting United States senators, along with the totals for postwar elections of governor and United States representative. The plurality, and the percentage of total vote and of major party vote, have been computed in each instance, and maps are presented showing the political boundaries within each state and within cities of over 500,000 population. Returns by wards or assembly districts are reported for the cities. Additional profile materials about each state are provided, as well as detailed explanatory notes and the 1950 population for each electoral unit. The volume is a superb technical achievement in its contents and format, and those responsible have rendered a major service to all students of public affairs both in and out of the academic world.

It is announced that future volumes will be modified and expanded in response to the expressed needs of those who hope to use them. As soon as possible the returns of direct primaries should be added and returns for Congressional elections should be given by county. Less obvious decisions must be made with respect to lesser state and local government offices, referenda, contests for party office when filled by popular ballot, and limited types of social and economic data useful in electoral analysis. There will be abundant opportunities to improve the usefulness of later editions and it seems assured that Mr. Scammon and his associates will let none that are feasible go by default.

The appearance of *America Votes* has special significance for the members of the American Political Science Association. Their organization, through a special committee and as a result of much labor by its Washington staff and other members, has succeeded in filling a crying professional need where previous public and private efforts had proved insufficient. The Association has again demonstrated its capacity to organize the energies of scholars for appropriate action. And through the Governmental Affairs Institute, which has been given the task of compiling and editing, the Association has again demonstrated its capacity to bring to successful fruition a complicated, nationwide enterprise which no other organization seemed willing or able to undertake.

*America Votes* is financed by a grant from the Edgar Stern Family Fund. This is another in the long line of influential contributions made by that foundation to the development of the political science profession. If the promise



language, and while there is always a danger of becoming a prisoner or a crusader for a system, it is questionable whether a less systematic approach would have come to grips, as Apter's study has done, with crucial elements in the traditional authority structures which tend either to facilitate or to retard the development of a modern secular political system. It is difficult to see how one can determine the degree of "detrribalization" or "breakdown of traditional authority," to use the *clichés* characteristic of most other writings on African affairs, without systematic comparison of the functions performed by a traditional authority system at different points in a time series. It is significant that Apter's conclusions and forecasts of probable future developments have been, in the main, sustained or, at least, not proved wrong, by the many dramatic events which have occurred since his study was completed. Given the volatile character of contemporary Gold Coast politics this fact alone attests to the shrewdness of the author's insight and analysis.

JAMES S. COLEMAN.

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*America Votes—A Handbook of Contemporary American Election Statistics.*

COMPILED AND EDITED BY RICHARD M. SCAMMON. (New York: The Macmillan Company. 1956. Pp. 422. \$12.50.)

On July 14, 1956, Mel Parnell of the Boston Red Sox pitched himself to fame with a no-hit, 4-0 triumph over the Chicago White Sox. The news stories immediately reported the details of Parnell's up-and-down baseball career (he had lost eight consecutive games to the White Sox since last beating them on May 5, 1953) along with reflections on comparable no-hit feats. The last Red Sox to turn the trick, it seemed, was Howard Ehmke in 1923; the last Red Sox *lefthander* to do it (Parnell is one) was Dutch Leonard in 1916; the last pitcher to do it in Fenway Park (the scene of Parnell's glory) was Ernie Shore in 1917. Abundant other particulars were available, including the score, which obligingly in all cases was also 4-0.

The followers of the sports pages take all this for granted, accustomed as we in America have become to the precise recording of athletic events. Men of business see nothing extraordinary in it either, depending as they do on the infinite variety of production, trade, and financial information put at their finger tips daily by public and private agencies. The student of American politics can react in only one way: with envy.

No one who has not himself tried to study comprehensively American nominations and elections can quite grasp the inadequacy of our electoral statistics. For more than a year in one state the official tabulation of a recent presidential election disappeared, with no copies extant. In one of the largest metropolitan areas officials successively provided a professor with four conflicting sets of ward returns, the second finally being tapped as the best one. In at least two other states the county results of important elections formerly were not available for distribution, even in mimeographed form. In many places the inaccessibility of returns for past elections has confined the study of voting behavior to

This study should command the attention of persons falling roughly into two groups. One group would include those persons having a special interest in African affairs, such as colonial administrators, educated Africans, and the growing number of European and American scholars and officials, and informed citizens, concerned with African political developments. The second group would include those social scientists, including professional Africanists, having a special intellectual interest in methodology and social theory. Many of those in the first group—the likely “general readers” of this book—will find certain parts rather difficult to read. Indeed, there are some concepts and passages which will be fully comprehended only by those acquainted with the works and the special language of Max Weber, Talcott Parsons, and Marion J. Levy, Jr. This is unfortunate, not only because the rapid advance of the Gold Coast toward self-government has created a wide demand for a descriptive and interpretative account along more conventional lines, but also because there lies behind the unfamiliar concepts and terminological innovations of the author a depth of insight regarding the really critical issues involved in African developments which should be communicated to and comprehended by as wide an audience as possible.

The second group, those social scientists particularly interested in methodology and social theory, will find this study especially challenging. It is primarily to this group that Apter's study is addressed. Indeed, his theoretical and methodological emphasis partly explains the use of his special vocabulary, which will tend to discourage the general reader. Given the two audiences interested in his study it might have been better in the balance if Apter had written two books or, alternatively, if the present book had been divided into two parts—one, largely descriptive, for the general reader, and the other, mainly theoretical, for the social theorists. His general conceptual and analytical framework is set forth in a tightly-written Appendix and should be studied very carefully before one proceeds to the body of the work.

The study falls squarely in the center of the Great Debate among social theorists regarding the validity and utility of structural-functional requisite analysis. However, unlike certain proponents of the structural-functional “school,” he has undertaken to subject his methodological framework and analytical categories to the test of a concrete field situation. He has approached this task pragmatically, insisting that the crux of such a test is “whether or not, at the end, our understanding of complex socio-political phenomena has been improved.” Certainly, some of the more general criticisms of the structural-functional approach (i.e., that it tends to be static and conservative, or that its users are “neo-scholastic” prisoners “filling boxes”) are not valid in regard to the study under review.

There are some members of the profession—those less attracted to schematization and methodological elegance—who might argue that the same results could have been achieved, and perhaps expressed in far more readable prose, without the elaborate conceptual and analytical apparatus employed in this study. While many points in the analysis might have been expressed in simpler

African territory by an American political scientist. It is also the first systematic case study of what the author rightly states to be one of the crucial issues of our time: namely, "can a political system such as ours in the West be satisfactorily adjusted to the needs of aspiring peoples in underdeveloped areas in Africa?" In terms of subject matter, it is a timely, significant, and important book; in terms of methodology, it is a work which will provoke considerable debate.

The central focus of Apter's study is what he calls "political institutional transfer" as it has taken place in the Gold Coast, the most politically advanced of all tropical African territories. By such transfer he does not mean simply the introduction of political structures of the British parliamentary system, but the more fundamental processes of bringing about changes in public attitudes and political behavior. His central proposition is that the charismatic authority of Prime Minister Kwame Nkrumah, by satisfying the "functional requisites" of traditional leadership among the Ashanti peoples, has been an effective vehicle for endowing the new central parliamentary institutions with a legitimacy recognized by a substantial body of Gold Coast public opinion.

There are certain questions which might be raised regarding this main thesis. One of these would be the extent to which the functions attributed to the Akan chiefs of Ashanti are typical, exhaustive, or really "requisite." Again, assuming that these functions are at least characteristic of the Akan systems as found in Ashanti, to what extent has Nkrumah's charismatic authority effectively replaced the functions of traditional authorities in the political systems of other groups in the Gold Coast from which Nkrumah received very considerable support? The Ewe, for example, are prominent in Nkrumah's entourage, but the pattern of traditional authority among the Ewe is quite different from that of the Ashanti. Finally, there may be much validity in the concept of "charisma" as applied to the peculiar role of Nkrumah *vis-à-vis* at least certain groups in the Gold Coast, but is charisma a necessary ingredient for effective "political institutional transfer"? Developments in Western and Northern Nigeria and in Sierra Leone suggest other possible patterns. These are examples of the types of questions which might be raised by this very suggestive pioneering study.

In addition to his admirable effort to go beyond the formal legal approach to political developments and to probe deeply into the complexities of social change in the Gold Coast, Apter's study has many other features to commend it. His descriptions are accurate and clearly based upon a keen grasp of the essentials of Gold Coast history, tribal cultures, and contemporary politics. His interpretations are balanced and objective; indeed, the study in general is rigorously neutral as regards the relative virtues of British administration and the Gold Coast movement for national "Freedom." He recognizes, indeed he emphasizes and demonstrates, that in the study of contemporary African politics one cannot find "purely political" elements, and that one is heavily dependent upon the insights and techniques of the anthropologist. His study illuminates in striking fashion the role and significance of traditional elements in African political development.

tive case for a working hypothesis to this effect. In any case, the feudal relationship "forced subordinates to learn and carry out their political functions, and taught superiors the more difficult lesson that their survival and fortune depended on their discharging their own political duty to their subordinates. The personal feudal relationship may be regarded, in fact, as one of the ultimate, completely simple elements with which a political system can be put together" (p. 214). It is a relationship modeled upon the loyalty and devotion of the gang to its leader, suggesting intriguing parallels with the structure of personal relations among the "elite" in the Fascist totalitarian movements.

There seems to be some difference of opinion between the authors on the range and significance of feudalism. Derk Bodde suggests that perhaps the authors are a bit too emphatic in their stress on the governmental side of feudalism. Perhaps a common feature of feudalism is "binding the peasant so closely to the particular land he cultivates as to make him little better than the serf of his landlord proprietor" (p. 91). This view of feudalism is certainly widespread. It would be tempting to explore further the ideas on religion in relation to feudalism and the general notions on cultural growth and change which Coulborn sketches in his concluding "Comparative Study." From the viewpoint of the student of empirical history and government these speculations in the manner of Toynbee are, properly speaking, philosophy of history. One notes certain curious omissions, both in the notes and in the, on the whole, excellent bibliography.

This brief sketch of necessity does less than justice to the extraordinary richness of both material and analysis which *Feudalism* contains. We also have omitted certain minor criticisms which suggest themselves: e.g., concerning the confusion between German and Germanic, the tortured interpretation of the subjects of post-medieval German states as "nations," the confused and undefined use of such terms as "ideology," and the proposition that "feudal politics stood outside the sphere of religion" (p. 370). Generally speaking, one misses a bit the touch of comparative government and political theory. More serious perhaps is the complete absence of any consideration of the basic work of Otto von Gierke (and of Olivier-Martin) whose elaboration of the dichotomy of *Herrschaft* and *Genossenschaft* could have contributed basic insights. But after all such critical remarks are made and elaborated, the fact remains that *Feudalism* is a significant achievement, and one which students of comparative government can ill afford to neglect. No one hereafter can be excused if he uses the term "feudalism" in the vague and journalistic way in which it has been used until recently by many authors even as learned and acute as Thorstein Veblen. In this sense, the volume is undoubtedly a landmark in the development of comparative and theoretical work in history and government.

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*The Gold Coast in Transition.* BY DAVID APTER. (Princeton: Princeton University Press. 1955. Pp. xiii, 355. \$5.00.)

This is the first book-length study of postwar political developments in an

history." Coulborn himself engages, in his concluding section, in some general speculations about the possibility that feudalism may have been an important factor in the early history of civilization, but he himself stresses that all this is purely hypothetical and so of no great interest to the empirical student of society and government.

And yet, in spite of these predominantly negative conclusions, an extremely interesting and valuable study has resulted. There can be little doubt that what one has been able to put together here as an empirical theory of feudalism and its place in history is of decisive importance to any student of comparative government who recognizes the importance of historical perspective in this field. In order to give a brief hint of the book's value, it is necessary to quote the author's general concept of feudalism in terms of static and dynamic elements. "The static criteria include those of vassal-lord relationships . . . ; a personalized government which is most effective on the local level . . . ; heredity of functions; a system of landholding consisting of fiefs given in return for service; regularization of the rights of the lord over the peasant; existence of private armies; and a code of honor in which military obligations are stressed. The dynamic criteria include those of an antecedent empire which has disintegrated; the impact of barbarian invasion; the outstripping of economic unity by political unity, leading to waning of central authority and rise of local magnates; monopolization of military techniques by a special group; warfare as a means of building larger political units out of lesser ones; and the existence of a universal religion which makes of the feudal period an "age of faith" (p. 199). Certainly Reischauer's incisive account of feudalism in Japan has no difficulty with this conceptual framework. Unusual in this description is the stress on the antecedent empire and the barbarians. The authors consider the role of the barbarian in the development of feudalism crucial; he is "the key man" (p. 181). For it is the barbarian leader of a war band, of a *comitatus*, who reconstitutes a tottering empire by setting up the feudal relationship in what the authors call a proto-feudal regime. "Proto-feudal and feudal Europe expanded to take in great numbers of new barbarians, as proto-feudal and feudal Japan did, because it is the nature of such systems to expand." The conclusion is drawn that barbarians can be involved in the rise of feudalism at two different, though overlapping, times: namely, in the early days of the disintegration of the old state, and later again, when new barbarians are drawn into the society as it expands. "This is as true of Europe as it is of Japan . . ." (p. 210).

The recognition of the crucial role of the barbarian in the establishment of feudalism leads to the conclusion that feudalism is essentially a process whereby a disintegrating society is rejuvenated and revived—enters as it were a new life cycle. Amidst the chaos and the ever-present threat of disaster the "strong elemental fief" is constructed by strong and ruthless military leaders as a haven of peace and quiet amidst the tossing seas. Coulborn and his associates are not prepared to claim that feudalism has, besides this "reconstituting" role, also a decisive role to play in the *constituting* of civilized societies, although in his brilliant concluding analysis Coulborn makes out a good specula-

cate the sense of mastery which the book conveys, the lucidity and skill with which the argument is developed, and the extraordinary felicity of the prose. Much less can a brief review do justice to the numerous fresh and compelling insights which are met at every stage. Certain aspects of the work have not even been touched upon here, such as the very exciting analysis of preference intensity and its measurement—one of the most original contributions in the book.

Some readers will doubtless find that they do not share all the views that are central to the argument. For example, Madisonian theory seems to me less vulnerable, on either logical or empirical grounds, than it does to the author. Then, too, I would assign greater importance to the role of constitutional restraints as checks against political aggrandizement and tyranny, for "social restraints" may not always be adequate: some attacks on democracy may be successfully met only by recourse to constitutional devices. More important, the argument overlooks the degree to which formal restraints help to define and maintain the social norms which eventually become "internalized." No less than the family or any other social institution, the legal arrangements serve to shape the citizen conscience.

Other disagreements could be stated, but none is sufficient to detract significantly from the importance of the book. It is a unique and unusually intelligent contribution to the literature of political science in general, and, more specifically, to a branch of the field which seems badly in need of new ways of thinking about its oldest and most traditional problems.

HERBERT McCLOSKEY.

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*Feudalism in History.* EDITED BY RUSHTON COULBORN. WITH CONTRIBUTIONS BY JOSEPH R. STRAYER, EDWIN O. REISCHAUER, DERK BODDE, BURR C. BRUNDAGE, RUSHTON COULBORN, WILLIAM F. EDGERTON, DANIEL THORNER, ERNST H. KANTOROWICZ, AND MARC SZEFTTEL. (Princeton: Princeton University Press. 1956. Pp. xiv, 438. \$8.50.)

The present volume is the outgrowth of a conference held at Princeton, October 31–November 1, 1950. Its aim is described as being that of "testing the extent of repetition in history." Whether feudalism was the best phenomenon for such a test may be doubted; in terms of his own definition, the main author and editor, Professor Rushton Coulborn, finds only two *bona fide* feudalisms in history: namely, that of Western Europe (discussed by Joseph R. Strayer) and that of Japan (E. O. Reischauer). His collaborators also deal with "feudalism" in China (Derk Bodde), in Ancient Mesopotamia and Iran (Burr C. Brundage), in Ancient Egypt (William F. Edgerton), in India (Daniel Thorner), in Byzantium (Ernst H. Kantorowicz), and in Russia (Marc Szeftel), but the conclusion appears to be that in none of these can feudalism be definitely shown to have occurred. In spite of this, but for no very clear reason, Coulborn remains convinced that feudalism is "a peculiarly useful example" of uniformities in history and that feudalism is "obviously one of the major uniformities in

are by themselves insufficient to prevent the destruction of the republic. The theory so exaggerates the importance of formal constitutional checks that it neglects to give scope to the numerous informal social restraints to be found in every pluralistic society. The safety of democracy, Dahl argues, must rest in the successful internalizing of restraints, in the conscience and predispositions of society's members, not in a complicated network of external checks such as judicial review, staggered terms of office, or the presidential veto.

The second model examined is *populistic democracy*, which identifies democracy with political equality, popular sovereignty, and, most important, the unrestrained power of majorities. This theory, which attempts to provide a procedural rule for the perfect attainment of equality and popular sovereignty, is in reality no more than an "exercise in axiomatics," essentially lacking in empirical relevance. It is a theory plagued by numerous difficulties: e.g., it assumes that only one alternative will be preferred by a majority at any given time when in fact several alternatives may be equally preferred; it ignores the problem of intensity and would permit a small majority with weak preferences to override the desires of a large minority with strong preferences; it postulates only two goals to be maximized while others of equal importance are discounted or sacrificed; it ignores the fact that in reality a minority rules so that in practice unlimited power would be bestowed upon a few; etc.

The third model, *polyarchal democracy*, combines elements from the two preceding theories but differs from them in concentrating not on the goals to be maximized but on the common properties exhibited by democratic organizations, in order that the conditions for the existence of democracy may be meaningfully elaborated. In addition to such prerequisites as free voting, equal weighting of votes, the opportunity to insert new preferences into the set of alternatives being offered the electorate, and possession by each individual of identical information about the alternatives, the polyarchal theory places emphasis on a high rate of political activity and on social training in the norms of the system so as to maximize consensus about them. Polyarchy stresses the social rather than the constitutional prerequisites for a democratic order.

The final sections of the book assess American politics in the light of the conditions for democracy previously set forth. The American system is perceived as a hybrid, and a very successful one. Like a polyarchy, which it approximates in certain respects, it permits "all active and legitimate groups in the population [to] make themselves heard at some crucial stage in the process of decision." In this "markedly decentralized system" in which decisions are made by "endless bargaining," there is perhaps less order than in other systems, but it is nevertheless not so defective as its critics make out. It possesses great virtue, furthermore, in mediating the conflicting interests of a highly diverse population, permitting minorities of almost every description to enter into the public debate and influence the outcome. Partly for this reason it reinforces agreement and encourages moderation in a highly complex and rapidly evolving society.

The inadequacy of the foregoing summary can be appreciated only if the reader turns to the volume itself. No brief *résumé* can satisfactorily communi-

noteworthy for ethnic or economic uniqueness and some that are supposedly typical microcosms of regions, for example in Southern locales of race or class tension. This sampling method has the advantages that come with the immediacy of personal contact with vivid individuals. It has the disadvantage of making the selection process depend on the investigator's notions of where vivid, characteristic individuals are to be found. This in turn depends on the general hypotheses or hunches with which the investigator commences his research. He will not go to farm communities, towns, or city precincts where he does not expect to find people who will tell him whether his hypotheses are right or wrong.

The saving grace of this book is that Lubell has checked his own observations against election data—precinct by precinct and county by county—and against the work of others like the Berelson group at Columbia and the Campbell group at Michigan. Although he shows occasional error, the mistakes are small, and he does not do violence to major findings of other research. Some of his statements are banal, as when he reports that extremists in Congress come from the safe districts of both parties or that gerrymandering distorts legislative representation in favor of the party that did the redistricting. Others of his statements have a freshness that keeps one reading, as when he says that McCarthyism was a combined consequence of ethnic segregation among Germans (and Irish) and of frustration over the Korean war.

The difficulty lies in the fact that he is incapable of quantifying his findings in a way that tells *how* intense among *how* many different people is the mood of moderation—and therefore whether it is characteristic of our time or of the moment. He cannot say whether a hypothetical John Biederbecker in Wisconsin voted for McCarthy primarily because McCarthy was in 1952 a teammate of Eisenhower or because John Biederbecker voted as his father Johann told him or because John had a son in Korea. In consequence we have no way of assessing the validity of Lubell's basic thesis.

But this difficulty is not confined to Lubell. Where he is bold and for lack of evidence fails to appraise reliably the political animal, many researchers who are more precise in their techniques timidly probe ears, eyes, and toenails, ignoring the fact that they are in contact with a whole animal. They don't even have hypotheses worth testing. Research in political behavior has now progressed from infancy to adolescence. In studying the vast area of voting returns, Lubell has made some contribution. He has been thinking anew and researching anew in a more than elementary effort to probe areas which some sanctimonious and self-righteous political scientists hesitate to examine for fear they lack the instruments and the definitive edition of a political *Gray's Anatomy*. They do lack instruments and definitive anatomical knowledge. But the body politic is still there and in need of more than topical examination. Lubell has shown at least that scientific progress can be made before the science of public opinion is safely mature.

JAMES C. DAVIES.

*California Institute of Technology.*



*The Conservative Party of Canada, 1920-1949.* By JOHN R. WILLIAMS. (Durham: Duke University Press. 1956. Pp. x, 242. \$6.00.)

Trail-blazing through the relatively uncharted terrain of the Canadian party system is in some danger of becoming a monopoly of American political scientists. The latest example of this trend is the first systematic analysis of either of Canada's two major political parties. The Conservatives, long since deposed from their pre-eminence after Confederation and in office only seven of the past thirty-five years, still constitute the vital core of opposition to the Liberal ascendancy at Ottawa. In probing for the causes of this protracted debility, John R. Williams has consolidated earlier findings and assembled a considerable quantity of new data on the second-ranking contender in Canada's federal politics. To students of Commonwealth affairs this will be a welcome addition to a meager body of literature.

The concentration upon structure, organization, and functions characteristic of the Mackenzie or earlier Duverger type of party study prevails again here. Utilizing the limited written sources available, interviews, and personal observation, Williams has constructed a fairly conventional but well-documented and objective account of the inner workings of this party. Since Canadians have grafted North American features onto British political institutions, there is valuable material here for those concerned with comparative politics. Deserving of particular mention are a critical appraisal of the national convention (consciously borrowed from the United States and overworked in the frenetic quest for a victorious leader), a detailed and realistic description of the national organization, and original findings on the parliamentary group and caucus. The chapters dealing with party leadership and finances and the pattern of federal elections, while perhaps not of the same interest or caliber, bring together information and statistics which have been either widely dispersed or unavailable.

There are, nevertheless, two respects in which the author has so narrowed his scope as to detract from the potential value of his study. For one thing, he has not satisfactorily situated the Conservative party in the larger context of the party system. Certain contrasts and similarities with the Liberal party are delineated, but the Commonwealth Cooperative Federation and Social Credit, whose emergence has had far-reaching effects upon the Conservative position in Western Canada, receive scant mention. Social Credit, in particular, having jettisoned its radical monetary doctrines and become the champion of orthodoxy in many spheres, has all but displaced the Conservatives in Alberta and threatens to repeat the process in British Columbia. A concluding chapter on party policies which forgoes reference to positions adopted by Conservatism's rivals is also at best artificially abstract.

It is, however, the author's attribution of the long eclipse of the Conservative party to essentially mechanical or subsidiary causes which should arouse most scepticism. Williams seems to regard the following as the principal reasons for the long spell of Conservative adversity: (a) the quality of leadership since 1920 (notably that of R. B. Bennett, a domineering prime minister who divided his followers by veering off on a "New Deal" tangent on the eve of the 1935

election); (b) the convention system, which has bred disharmony and encouraged the selection of men unsuited to lead the parliamentary group in opposition; (c) the neglect of party organization, especially at the local level where "federal elections are won and lost in Canada"; (d) the absence of articulate and accepted Conservative principles. These and other frailties he cites have constituted unquestionable handicaps; the Conservative top brass also appears to consider them the most basic shortcomings. Yet by themselves they hardly account for the post-1935 stabilization of the Conservative share of the popular vote at 27-31 per cent. The proposition that in the same period the electoral fortunes of the Liberals and the two minor parties fluctuated with changes in economic conditions has validity but comes no closer to the root causes of the Conservative impasse.

To this reviewer a whole dimension of politics—namely, the conception of political parties as reflections of the societies which they serve—is largely missing from this analysis. An introductory chapter shows that Williams is by no means oblivious to such social realities or the historical events which gave birth to them. Thus he maintains that by the conscription election of 1917 "the Conservatives completely identified themselves as the party of English-speaking, Protestant Canadians loyal to the British Empire," who were simultaneously "feared by many farmers and workers as the party of big business." Yet the less obvious paths by which the Conservatives (in the electorate as well as in Parliament, it might be added) became "a more homogeneous group in matters of religion and language than are the Liberals" and a party dominated by its Ontario contingent, symbolic to much of the rest of the country of the commercial-financial hegemony of "Tory Toronto," are barely explored. There is both recognition and partial explanation of the massive rejection of the Conservative party by French Canadians, without sufficient emphasis to indicate that this has been the single most influential factor in determining this century's federal elections. In a similar vein, only passing attention is paid to the disruptive impact of rapid industrialization on many regions, to the transformation of agriculture, or to the European immigrants who, since 1900, have gradually diluted the heavily British character of the English-speaking group and have tended to shun Conservative candidates at the polls.

Since questions of structure, leadership, and finances are germane to the study of political parties, Williams has added materially to our knowledge of these aspects of one of Canada's major political forces. His interpretation of that party's low standing rests, however, upon secondary or contributory causes which have been far less decisive than the self-induced vice of political inbreeding in a society grown steadily more diversified.

WALTER O. FILLEY.

*Wesleyan University.*

*The Changing World of Soviet Russia: An Analysis of Soviet Internal and External Policies.* BY DAVID J. DALLIN. (New Haven: Yale University Press. 1956. Pp. ix, 422. \$5.00.)

*Labour Policy in the USSR, 1917-1928.* By MARGARET DEWAR. (London and New York: Royal Institute of International Affairs. 1956. Pp. viii, 285. \$6.00.)

American opinion about the Soviet Union has shifted greatly since the battles of Stalingrad and Berlin. At that time, ten-odd years ago, one was almost considered to be sabotaging the war effort if one criticized the government of Stalin, whereas today it requires a little effort to balance criticism with an appraisal of Soviet achievements, or even to confine oneself to cold, factual description. One of the men responsible for this shift is David J. Dallin, whose war-time (1944) book, *The Real Soviet Russia*, was one of the first attempts, highly controversial at the time, to bring out some of the most unpleasant features of Soviet society as they had developed in the two decades since the revolution. The book saw two editions and has now been published with such thorough-going revisions that it has been given a new title.

Loosely structured, and having no central focus save the aim of debunking our war-time illusions about Soviet society, this is a group of essays around three themes: the new class structure which has emerged from the revolution, the political system through which the new society is being managed, and the main principles, methods, and problems of Soviet foreign relations. The choice of topics seems somewhat haphazard: for instance, while the author treats the position of the churches and the emergence of Titoism, he does not discuss topics of equal or greater importance, such as the minority problem or the role of the educational system in the growth of the class structure. Some chapters are well prepared and made contributions to scholarship at the time the book was first published: for instance, the one on forced labor. Even today Mr. Dallin's insistence on viewing the inmates of labor camps as a social class in themselves deserves more serious consideration than it has received in the past. Other chapters, however, are brief and skimpy. Throughout the book the author is careful to present the Soviet system as a fluid, developing organism. This enables him to contrast present policies and institutions with those of earlier days and with the bright hopes by which the Bolsheviks justified their seizure of power.

Thoroughly familiar with his material, the author assumes his reader to have both a great deal of knowledge and plenty of misconception, so that often his tone is that of argument rather than exposition. Instead of taking the long-forgotten intellectual products of war-time good-will to task, he might have performed a more useful service by a less polemical and more systematic and descriptive presentation. While his book is lively and full of interesting observations, it remains impressionistic, journalistic, superficial. And while it does contribute a feel of the conservative, authoritarian climate of present-day Soviet Russia, as contrasted to the heroic dreams of the revolution, it offers little more that is new, exciting, or food for thought. It contains few statements that the reviewer would challenge, but equally few of interest to him. Its journalistic and polemical character tends to render it useless as an introduction for

freshmen and general readers, and the scholar in the field should be familiar with the facts it presents.

Mrs. Dewar's monograph on Bolshevik policy regarding the working class during the first eleven years of Soviet rule is far more modest, pedestrian, and useful. In the first 160 pages, the author with great care summarizes the legislation and the heated discussions on labor's role in the "proletarian dictatorship" and the management of industry, workers' rights and material benefits, and the incentives and coercive measures designed to make them submit. These are followed by an appendix of about 120 pages, in which more than five hundred decrees, ordinances, and instructions concerning labor are summarized. The book is an indispensable reference work for students of Soviet political and social developments.

ALFRED G. MEYER.

*Columbia University.*

*The Politics of Compromise: A Study of Parties and Cabinet Government in Sweden.* BY DANKWART A. RUSTOW. (Princeton: Princeton University Press. 1955. Pp. xi, 257. \$5.00.)

The author of this book, Professor Rustow of Princeton University, is one of the small group of American scholars who were enabled to spend a year of study in Sweden under the auspices of the Social Science Research Council. It has been the privilege of the reviewer to read in manuscript several similar studies made during the past twenty years, but this is the only one which has appeared in print. Inasmuch as American political scientists have now for a generation shown a great interest in the Swedish political system, it is extremely fortunate that a book has appeared in English. Rustow's work should do something to fill a void caused by the excessive addiction of publishers to the political history of Central Europe.

Three chapters of this study provide the historical background, briefly recounting the events leading to the establishment of the bicameral *Rikstag* of 1866, which replaced the old *Riksdag* of four estates. More attention is given to the rise of *Lantmannapartiet*, translated as the "Ruralist party" (perhaps, Estate-Owners party would be better), and the various protectionist and pre-liberal coalitions which finally led to the modern *Högerpartiet* (Conservatives) and *Folkpartiet* (Liberals). Although most of the standard sources are cited, the main reliance seems to be on Thermaenius, who until recently was the chief authority on Swedish parties. Chapter Two leads up to the establishment of the Four Party System, and Chapter Three relates the history of the development of this system from 1920 up to the present time. There are still some students who believe that with respect to number there are only three types of party systems: (1) the one-party system, (2) the two-party system, and (3) the multi-party system. However, the Scandinavian political scientists, writing of their own countries' experiences, and the French writers of the New School, looking at various other countries, have all urged that we give serious thought to the

merits of the "Few-Party System," that is, something intermediate between the kind of party structure that has plagued France and the one that we have in the United States, the defects of which are now being recognized.

Rustow's chapters on party stability and the effective working of the system of proportional representation employed in Sweden are very good. He notes that there is a lively and highly informed debate being carried on continuously by students of political behavior and electoral methods. But he concludes that the Swedish system is one well-suited to a nation with a high degree of political sophistication.

The final section, dealing with the legislative process, cabinet government, and "the politics of compromise," reveals the wisdom of the Swedes in developing a system of government in which emphasis is placed on the soundness of the procedures for discovering issues, preparing them for legislative action, conducting debate, and communicating decisions to the administration. Rustow's final chapter (which has the same title as the book) seems inconclusive. Undoubtedly the reason for this feeling on the part of the reader is due to the fact that the rather intricate machinery the Swedes have evolved for policy-determination works very well for them because of scores of factors which are unique. One cannot, for example, isolate from Swedish experience one single institution, such as bicameralism, preparation of legislation, or the proportional method of voting, and from this one example recommend the adoption by others of the institution which works so well in the far North. Anyone at all familiar with Swedish social, economic, and political life knows that there are problems unsolved, and some tendencies which are disquieting. But, on the whole, it is refreshing to read a book about a country which has managed its affairs with prudence and care at a time when there are so many studies of threatening circumstances, conflict, and frustration.

ROY V. PEEL.

*University of Utah.*

*Labor Relations in British Nationalized Industry.* BY STERLING D. SPERO. (New York: New York University Press. 1955. Pp. 83. \$2.75.)

*Beyond Nationalization: The Labor Problems of British Coal.* BY GEORGE D. BALDWIN. (Cambridge, Mass.: Harvard University Press. 1955. Pp. xxii, 324. \$6.00.)

Here are two first-rate books dealing with that most vexing and important problem, the position of labor in nationalized industry. The books are conceived along quite different lines, and the impact of each is unique both in range and character; yet each in its own way makes a genuine contribution to the total discussion. Interestingly enough, the smaller of the two books undertakes to deal with much the larger and more general aspects of the subject. Spero is concerned broadly and philosophically with the whole array of labor relations under nationalization; Baldwin digs deeply into the coal industry.

Spero presents scarcely more than a carefully thought out and well organized set of notes, setting forth some facts, asking some pertinent questions, and mak-

ing some judicious comments on the position of labor in British nationalized industry since 1945. In 76 pages of text (small pages, large print) he deals with the general problems of labor representation on the Boards, collective bargaining, strikes and government intervention, consultation, training and promotion, and workers' control, and traces in broad terms the pertinent developments and issues in the coal and railway industries.

This is a wise little book. The author does not go far beneath the surface in his analyses, and his judgments are moderate and qualified; but both analyses and judgments make sense. Labor and nationalization have had a rough time with each other in Britain, but Spero distinguishes among difficulties attributable to nationalization *per se*, to the inherent complexities of the labor-management relationship, to adverse economic conditions from which Britain and British labor have suffered, and to the fact of transition. He points out that "nationalization came to Britain at a time when circumstances were the most favorable for the transition from private to public operation but the least auspicious for demonstrating the success of new economic experiments." It is quite true that nationalization provides a new environment in which "new attitudes can flourish" in dealing with the extremely difficult problems of labor relations. To me it is significant that, in the first decade at least, it does not appear that British nationalization has prevented the Government (even a Labour Government) from behaving like a government in treating with labor, or the men and unions from behaving like men and unions.

Baldwin's book begins where Spero's leaves off; it explores in depth and detail the problems of labor relations in a single nationalized industry. The clue to Baldwin's approach is to be found in the title he has given to the book: the coal crisis in Great Britain is not the result of nationalization, nor will it be cured by nationalization—the difficulties and any solutions lie beyond nationalization. In successive chapters the author analyzes the processes and problems involved in the technological basis of British mining, the Coal Board and the union, collective bargaining, joint consultation at the pits, wages and wage movements, labor supply and absenteeism, the transfer of manpower, and labor and technological change. The study is replete with meaningful facts and statistics, carefully interpreted; and at every turn it gives evidence of Baldwin's thorough knowledge of the technology and organization of the industry, of the miners and their bosses, and of the British economy and the British people. It also demonstrates that Baldwin knows how to lay out and prosecute a difficult and important piece of research. Its structure and air carry conviction. Even before the ink was dry on the several British nationalization acts, American (and British) readers were regaled with conclusions and judgments on the results of nationalization drawn from operating experience, and the flood has continued. Baldwin's book tells us a very great deal that we ought to know about the British coal industry, nationalization, and labor; it also shows us what a book which purports to be based on experience and the record ought to be like.

BEN W. LEWIS.

*Oberlin College.*

*New States and International Organizations.* By BENJAMIN AKZIN. (Paris: UNESCO, International Political Science Association. 1955. Distributed in the U. S. by International Documentation Service, New York 27. Pp. 200.)

This pithy and pregnant monograph is significant both for its content and for its place in the stream of international official and professional cooperation in the promotion of political science. As early as its Second Session in 1947, the General Conference of UNESCO authorized the Director-General to encourage and assist social scientists to study problems arising from recent developments in international collaboration. As one step in this process Walter R. Sharp, then in the UNESCO secretariat, encouraged the International Institute of Administrative Sciences to collect data from fourteen countries, which he summarized as general *rapporteur* in *National Administration and International Organization*, published by IIAS for UNESCO in 1951.

At later sessions, the UNESCO General Conference asked social scientists to focus more sharply on the "administrative, legal and sociological problems of internal organization" facing "Member States that have recently obtained their independence," resulting from their participation in the UN and its specialized agencies. As a result of a meeting of experts convened by UNESCO, in which Rowland Egger took part from the U.S., IIAS was commissioned to undertake a further study, *National Administrations and International Organizations*, for which Roger Grégoire served as general reporter. The focus of the "sociological" problems was deemed, wisely, to lie in the province of political science and international relations. The International Political Science Association accordingly invited *rapporteurs* from six countries to respond to an elaborate questionnaire: India, Indonesia, Israel, Lebanon, Pakistan, and The Philippines, for which John W. Lederle prepared the report. Dr. Akzin supplemented these replies by interviews at the headquarters of UN agencies and by his own rich background of research and teaching on the continent of Europe and in the United States, before he became Herbert Samuel Professor of Political Science and Constitutional Law at the Hebrew University of Jerusalem.

Dr. Akzin's volume is as much a research-planning monograph as a substantive report. It uses the detailed reports from six countries as a springboard for a "first attempt to analyze the political science aspects of the relationships between international organizations and new States generally," intended "to help and encourage" these states to conduct their own studies.

The result is a series of twenty-three pithy chapters, traversing briefly a wide range of problems for study. Each chapter poses provocative questions, based as much on the author's shrewd and realistic insights as on the replies to the questionnaire by the country reporters. What is meant by a "new" state? What is meant by "independence"? How does the crop of new states in the wake of World War II differ significantly from those of 1918—or 1877? How do the international organizations, both within and without the UN system, differ in their receptivity to new states as members? What do new states want or expect from membership in international organizations? What part do citizens of

new states play in the non-governmental organizations that are enmeshed with the UN system? How is one to distinguish personal from official roles?

How do new states meet the burden of international cooperation—not only of financial contributions, but of providing competent delegates, experts, and cognizant staffs of ministries? (Akzin estimates that “adequate staffing for international relations” for even the smallest state involves a minimum of “a thousand professionally trained officials.”) Which international organizations do new states join and why? Do new states do better or worse than old states in implementing the decisions and recommendations of UN agencies? Is there genuine popular support in new states for participation in international agencies?

On each of these and other questions Akzin offers comments which make clear that “newness” is not of itself always a decisive characteristic: the state of economic development may be more important. He justifies amply his thesis that each state, new or old, needs separate study; and he provides a useful frame of reference for such studies.

CHARLES S. ASCHER.

*Brooklyn College.*

*Middle-Class Democracy and the Revolution in Massachusetts, 1691–1780.* By ROBERT E. BROWN. (Ithaca: Cornell University Press. 1955. Pp. ix, 458. \$6.00.)

This is an important book. Its thesis is dual: that there was already democracy in Massachusetts at the time of the Revolution, and that therefore, contrary to some recent interpretations, the Revolution did not involve an internal class struggle but was a more or less simple overthrow of British imperial rule. Professor Brown challenges the long accepted view that property qualifications for voting excluded a major proportion of the population from the franchise. He asserts that in Massachusetts, at least, almost all adult males could and did meet these qualifications easily, and he offers convincing evidence to support his argument.

The qualification required of voters was the possession of a forty-shilling freehold, or alternatively, real or personal property valued at forty or fifty pounds. By a study of tax and probate records, the author demonstrates what, in practice, this qualification amounted to. A very small farm or an estate consisting only of “household goods and blacksmith tools” would meet it easily. What percentage of the population owned sufficient property? By comparing records of specific elections in various towns with poll and tax lists of those towns, Professor Brown arrives at an estimate of the proportion of actual voters to adult males. By such calculations, supplemented by other evidence which space does not permit the reviewer to describe, the author concludes that very few adult males were disfranchised, and that, in the rueful words of Governor Hutchinson, “anything with the appearance of a man” was permitted to vote.

The implications of this work are far-reaching. The first question to be asked is whether the situation in Massachusetts was typical of that elsewhere. If it was, then it would appear that there was a much broader base of popular gov-



ernment at the time of the Revolution than we have hitherto assumed. Both the political struggles and the institutions of the Revolutionary period must appear in somewhat different perspective. An extensive suffrage is not necessarily identical with democracy, but it does suggest that "the people" was a very inclusive term in practice and not simply a rhetorical flourish. Professor Brown's work also raises questions about constitutional developments in the first half of the nineteenth century. If the property qualifications of the first state constitutions did not prevent an appreciable number of adult males from voting, then the subsequent removal of those qualifications may represent not so much a new democratic spirit, as constitutional adaptation to a changing economic situation in which an increasing proportion of the population was without property. This would help to explain how the Rhode Island that would have nothing to do with the Convention of 1787 produced a Dorr's Rebellion in 1841-1842. In short, this careful study of the franchise in Massachusetts points up the necessity for much new research and new interpretation before we can trace fully the evolution of democracy in America.

CECELIA M. KENTON.

*Smith College.*

*Charles Beard and the Constitution: A Critical Analysis of "An Economic Interpretation of the Constitution."* BY ROBERT E. BROWN. (Princeton: Princeton University Press. 1956. Pp. 219. \$3.50.)

Professor Brown is so shrewish in his critique of the historical method of Charles Beard that we have a right to expect that his own method, like Caesar's wife, will be above reproach. This is not the case.

Beard in his *Interpretation*, Professor Brown thinks, was guilty of omitting, suppressing, misrepresenting, and otherwise distorting evidence. The author begins with a denunciation of Beard's "use of the writings of James Madison," charging that Beard falsified Madison's viewpoint: first, by quoting from the tenth number of *The Federalist* rather than from the others; second, by omitting Madison's reference to non-economic factors. Beard was straining, Professor Brown insists, "to make Madison an 'economic determinist.'" The criticism, typical of this book, is simply captious. Beard did not expound a monolithic theory or pretend that Madison did. He argued, using Madison's words, that "the *most common* and durable source of factions has been the various and unequal distribution of property." This proposition was a staple both of Federalist and of Anti-Federalist political thought. It is as illuminating and pertinent today as the latest figures on lobbying which show that business, farm, and labor groups far outspend all others.

Every time Professor Brown catches Beard citing another scholar's book, he delivers a homily on the virtues of primary evidence. Yet, as often as not, when Beard produces first-hand observers, Professor Brown rules them out as witnesses for Beard on the ground that they—Hamilton, Henry, Higginson, Knox, Marshall, G. Morris, and others—are not "objective" or "representative." Thus Patrick Henry's report that most small farmers opposed the Con-

stitution "was merely . . . an opinion." In this fashion Professor Brown scorns, disparages, or ignores evidence favorable to Beard. Curiously, he is willing to use some of Beard's witnesses—Hamilton, Knox, and Morris, for example—to uphold his own arguments. He disdains as a "secondary work" McMaster and Stone's book of documents but cites similar volumes himself. He scolds Beard, properly I think, for using 1790 statistics to deal with events two or three years earlier, but supports one of his own contentions with something Madison wrote in 1821. He quotes against Beard one of Charles Pinckney's Convention speeches, then observes: "Pinckney's letter to Madison, quoted by Beard, gives just the opposite view . . . so it apparently depends on which Pinckney quotation we use." Does it? Are a public statement and a private letter equally credible?

While he discounts testimony by Gouverneur Morris favoring Beard, Professor Brown relies heavily upon Morris's assertion that nine-tenths of Americans were landowners. This assertion may be, for all we know, as meaningful as N.A.M. effusions nowadays that "every American is a capitalist." Yet Professor Brown builds upon it a crucial part of his argument, reasoning that "at least ninety per cent of the men were voters. . . . A farmer could not have made a living on a freehold small enough to disfranchise him." In condemnations of democracy by Convention members Professor Brown sees further proof that in 1787, contrary to Beard, the United States was a democracy.

He belittles statements like that of Mercer of Maryland, which labels "the Governments of America" "aristocracies," and that of Hamilton, which notes in "all" states "some individuals . . . deprived of the right [to vote] altogether, not having the requisite qualification of property." Apparently he is not aware that democracy means not only the right to vote but *equality* in that right. Where representation is weighted to favor wealthier citizens—as it was in twelve of the thirteen states—there prevails a species of aristocracy.

No doubt Beard exaggerated the role of personalty interests in the establishment of the Constitution. Beard acknowledged this in his later years. But Professor Brown, as usual, is overzealous in his criticism. "Readers of *An Economic Interpretation*," he states, "should be aware that the use of the phrase 'debtor farmers' throughout the work is not based on any evidence whatsoever." Shays' rebellion? Too small and local, the author says, then tells us later the Shaysites were numerous enough to win control over the government of Massachusetts. He overlooks this statement by Madison, whose credibility he does not challenge: "Landed possessions were no certain evidence of real wealth. Many enjoyed them to a great extent who were more in debt than they were worth. The unjust laws of the States had proceeded more from this class of men, than any others. It had often happened that men who had acquired landed property on credit, got into the Legislatures with a view of promoting an unjust protection agst. their Creditors."

Moreover, that personalty groups were numerically small did not make them politically insignificant—power is not a matter of numbers alone. Such groups were important enough that, as Professor Brown admits, Gouverneur Morris

proposed creating a senate "based on personalty." In the newspapers of the 1780's—in Elliot's *Debates* too—is overwhelming evidence of conflict involving personalty interests, conflict in which "moneyed men," "speculators and blood suckers," were hotly denounced.

Professor Brown's chief contribution, perhaps, is his detailed critique of Beard's account of the framers' personal stake in their deliberations. But he does not grant that Beard, though wrong on specifics, correctly identified the social position of the framers. What is more, Beard's book, for all its shortcomings, is informed by a theory of politics still generally valid: that economic interests ordinarily dominate the political process. Beard made clear that the Constitution was an object of struggle between groups primarily economic in character. This view was confirmed by one of Professor Brown's favorite witnesses, John Quincy Adams, who noted that the Constitution was being received enthusiastically by rich and conservative elements. "Nor do I wonder at all . . . as it is calculated to increase the influence, power and wealth of those who have any influence. If the Constitution be adopted it will be a grand point in favor of the aristocratic party."

MAURICE KLAIN.

*Western Reserve University.*

*The Civilian and the Military.* By ARTHUR A. EKIRCH, JR. (New York: Oxford University Press. 1956. Pp. xi, 340. \$6.50.)

This is a well-written history of the anti-military tradition in the United States. It is a useful corrective to current tendencies in American political and historical scholarship: for instance, it is well to be reminded that military fervor played an important part in Andrew Jackson's popular support and that, however commendable and timely was Theodore Roosevelt's interest in world affairs, one of its motive forces was a romantic passion for things martial. Professor Ekirch has chronicled American attitudes about military institutions from pre-Revolutionary times—with an "Anglo-American heritage" of anti-militarism—to the Eisenhower Administration. With few exceptions, whatever he has included in his chronicle he has presented dispassionately. And he has done enough digging to make his work valuable for general scholarly reference. His book is a significant addition to the growing literature on American military affairs. But its value can be properly appreciated only if its limitations are properly understood. The broad chronology is not definitive; rather, the author's meaning and use of thematic concepts focus and set the limits of the book.

Last year Professor Ekirch published a book entitled *The Decline of American Liberalism*; the present volume might well have been entitled *The Rise of American Militarism*, for it is a supplement to that earlier volume, and its theme is built upon concepts and assumptions which, though never thoroughly defined or analyzed in either book, are clearer in the first. Central to the theme of both books is the author's conception of liberalism. While he sketches its historical derivation in the first two chapters of *The Decline of American*

*Liberalism*, it is clear in both books that he is not interested in the interaction of the liberal ideal of human freedom with the political context. That is, he measures historical events against the ideal of a peaceful, *laissez-faire*, liberal utopia and ignores the very real dilemmas encountered in the choice of means for achieving the ultimate ideal of human freedom. Both books thus beg the question how to balance domestic liberty with national security.

Clearly, the author has forbore to explain his liberal utopian assumptions to the reader because of his compunctions as a historian. But the effect has been not to exclude those assumptions, but only to neglect their orderly exposition and examination. For the breadth of his subject has made necessary the use of unexpressed criteria in the selection of subject matter. Besides his utopian approach, Professor Ekirch's assumptions are embodied primarily in his two mutually exclusive categories, militarism and anti-militarism (or, sometimes, liberalism). He never defines either term adequately for the use to which he puts it; but he leaves the undeniable impression that the more of the first and the less of the second the better. Anyone who wears a uniform or talks about war seems to be a militarist, and is probably wrong. Anyone who opposes the use or maintenance of armed forces, for whatever reason, is an anti-militarist, and is probably right. At times this devil-angel frame of reference gives an interesting volume some strange twists; constantly, it reminds the reader of what are in fact the author's predispositions; inevitably, it limits the value of the book. Undefined, his terms are applied loosely and superficially. Unmentioned, his assumptions are a major omission.

Because the book fails to deal with the relationship of utopian liberal ideals to the real world, the causes of the change here chronicled remain a mystery. Why the anti-militarist tradition in the United States has declined is one of the crucial questions in this inquiry, yet no attempt is made to answer it. To do so would admittedly be presumptive, and the historian can be excused from trying; but to avoid any reference to the context of foreign policy in which the issues of national military policy have been shaped is to imply a wholly unjustifiable assumption, far more presumptive than would be an answer to the question why anti-militarism declined. The studied exclusion of all but a few meager references to objective strategic considerations can only imply that such considerations are irrelevant in setting the proper role of the military, a claim which, to say the least, is hardly well enough established to serve as a premise for the writing of history.

Moreover, because everything seems to be either "militarist" or "anti-militarist," discussion of the extent of influence of both concepts tends to be oversimplified and, often, superficial. For example, the appointment of Eisenhower as president of Columbia University is cited as an indication of the growth of militarism in American life. Yet later it is recognized that Eisenhower is less militarist than many civilians. In this instance the superficial application of categories leads to explicit inconsistency.

The militarist pigeon-hole is well stuffed. Into it go government centralization, high taxes, and most American presidents, who come off badly under Pro-

fessor Ekirch's analysis. Indeed, Harding seems to rate the highest place among them all.

The author has done some thoughtful and careful work; it is unfortunate, however, that he has taken a series of classical liberal utopian tenets as major and unquestioned premises from which to begin, rather than examining them, and the meaning of militarism as well, in the light of American experience.

PAUL Y. HAMMOND.

*Columbia University.*

*The New World of Henri Saint-Simon.* By FRANK MANUEL. (Cambridge, Mass.: Harvard University Press. 1956. Pp. xi, 433. \$7.50.)

It is hardly an accident that both Proudhon and Saint-Simon, both relegated to the limbo of utopian dreamers by Marx and Engels, should have become subjects of two full-length monographs in the past year—the first to appear in the English language. Whoever will review George Woodcock's *Proudhon* in these pages may decide that it is the more stimulating of the two works, but he should be willing to grant that Professor Manuel's study is the more exhaustive work. It omits nothing worth knowing about Saint-Simon's great vision of the coming scientific order of society and adds a great deal of disturbing information about Saint-Simon the man. What emerges is the portrait of a figure out of Balzac: a power-maddened dilettante attempting in vain to recoup his lost aristocratic fortune. The *ci-devant* count's real estate speculations during the French revolution were quite lurid from the viewpoint of accepted business morality. But these dubious activities were merely the foil for his truly Napoleonic ambition to become the founder of the new industrial state which would close the chasm of revolutionary anarchy. Professor Manuel is at his best in showing the essentially conservative and syncretistic character of Saint-Simon's ideas. In his "system," "the scientific élite of Condorcet, the findings of the new physiology of Bichat, the new psychology of Cabanis coalesced with an appreciation of the organic order of the theocrats," de Bonald and de Maistre. He absorbed the rationalism of the *philosophes* but "came away with a different reading of the natural: the natural was inequality" (p. 300). On this basis, he constructed his technocratic and theocratic hierarchy and became the ancestor of the modern elitist school as well as of the "managerial" theory of power.

All this is admirably documented in Professor Manuel's account, which also includes the disciples: Auguste Comte turned Judas, while the rest, among them a surprising number of young Jewish intellectuals, acclaimed the great bohemian as their Messiah, with Bazard and Enfantin sharing the role of Paulus. The way Professor Manuel has managed to plumb the intellectual undercurrents of the period deserves to be called an act of total scholarly immersion. By the same act, he deprived himself of the chance to come up for air and have a look at his own work and its place in the history of ideas. It is sure to play a part, a valuable part, in the Utopian renaissance which has been going on for quite a while, but it does not make an attempt to probe the causes of that renaissance.

At least three reasons may be offered to explain this most intriguing comeback of Marx's predecessors and competitors. Like them, we are conscious of a breakdown of the old morality and anxious to discover forces of renewal. Some of us are groping, as did Saint-Simon and his school, for the New Christianity. It is this element of restoration in a revolutionary scheme that should appeal to our New Conservatives. The liberals, in turn, will be attracted by the Saint-Simonian repudiation of class violence. As the attrition of the Marxist dogma proceeds apace and the utopian character of "scientific socialism" becomes transparent, the Old Utopians begin to look better and better. Their message, while presaging revolutionary advances, did preach peaceful change. Those dissatisfied today with the *status quo* may rediscover in Saint-Simon a Marx without the sting. And, finally, as society becomes more manageable, more susceptible to manipulation *from above*, Saint-Simon begins to look less and less like an utopian, much more plausible and *realistic* than he did in his own time. But here the ways part: those who will hail him as the prophet of the managerial, technocratic gospel will hear with dismay that "the application of scientific progress to rational transformation of society ended in a clearly articulated vision of a totalitarian society. . . . The logic and tyranny of progress gave to the world the progress of total tyranny." Thus Albert Salomon on Saint-Simon in *The Tyranny of Progress* (New York, 1955, p. 104). Saint-Simon's biographer was probably wise in resisting the temptation to find so much clarity where it does not exist, for the good reason that Saint-Simon, like so many other seminal thinkers, is many things to many men and should not be subjected to an exercise in logic.

JAMES H. MEISEL.

*University of Michigan.*

*Far Eastern Politics in the Postwar Period.* By HAROLD M. VINACKE. (New York: Appleton-Century-Crofts, Inc. 1956. Pp. vii, 497. \$5.00.)

With this authoritative volume Professor Vinacke adds to his stature as a careful, objective scholar. He adds also to the debt which other students and serious lay readers owe him in the expanding field of Far Eastern studies. The scope of his survey is wide, comprehending the countries of southeastern Asia as well as those until recently regarded as composing the Far East: China, Japan, and Korea. A notable feature is the treatment of the inter-relationships of policies and developments in Europe with those in Asia. Although the post-war decade is the period upon which the author's interest is centered, the reader is given a running start by a review, in the early chapters, of prewar and wartime Japan and China and of wartime relationships between the greater powers.

While more emphasis might have been placed upon the remarkable ingenuity of the Japanese administrators in what the author terms the "co-poverty" sphere, their success in stimulating nascent nationalism and their flexibility in shifting from a program of Japanization to one of sponsoring independence, as the fortunes of war changed, is well demonstrated. Professor Vinacke also points out that the Japanese were less acute in their estimate of American

military spirit and industrial capacity and of Russian dependability as a neutral. One of the best features of the book is the treatment of the Kuomintang-Communist rivalry for power in China. Excellent also is the account of the rise of Mao Tse-tung and of his success in fitting the warhead of communist theory to the powder-filled shell of Chinese agrarianism.

The author passes from his four introductory chapters to the problems evoked by the war in China, Korea, Indochina, Thailand, Burma, Malaya, Indonesia, the Philippines, and Japan. He gives considerable attention to India's part in the new era and includes the Korean war. His account of the nature and major lines of policy of the Communist government of China, like his treatment of American efforts to bring two totalitarian regimes into democratic union, is adequate and unbiased. However, the view that British and Indian recognition of Communist Peiping was premature and interventionist is not convincingly argued. The same is true of the contention that "the Chinese Communist party was not in fact national but was an instrument of international communism, which, in turn, was an instrument of Soviet Russia's foreign policy." This conclusion seems not to accord with the author's statement that "the decision to intervene in Korea would seem to have been taken by the Chinese on their own initiative rather than under Russian pressure." The account of Kuomintang and Communist China's relations with Viet Minh also exhibits the two Chinese regimes as acting independently, on different bases, but without regard to other than Chinese interests.

With regard to the re-entrance of the colonial powers into territories conquered by the Japanese, the author holds that they were legally entitled to do so and that the American government was legally obligated to recognize that fact. One is led to question, however, the quality of the Allies' intelligence services in regard to the strong nationalist sentiment which prevailed so generally in those areas. Given adequate information, would the powers have reassumed the "white man's burden," incurring thereby the tremendous cost in lives and treasure that followed? Vinacke believes that Western colonialism in the Far East is ended. While repudiating charges of imperialism against American postwar policy, he stresses the difficulties involved in our efforts to reconcile programs of assistance with the containment of Communism. "Neutralism" in Asia is, he believes, a consequence of unreadiness to perceive the menace of Communism and to accept American aid upon conditions believed to be related to American rather than Asiatic interests. Uncertainties regarding our policy toward Formosa have been a major factor in complicating our relations with the new states of East Asia. At the end of the first postwar decade the paramount issue of war or peace remained to cloud the future not only of Western relations with Asia but of intra-Western relations.

Throughout this work Professor Vinacke maintains a uniformly high level of attention to available articles as well as to monographs and secondary materials. Necessarily, in covering so vast a field within five hundred pages, he has had to compress many topics into a few paragraphs. He has, however, combined clarity and conciseness with such success as to provide a readable and under-

standable analysis of the changes in domestic and international politics which World War II brought about in Eastern Asia. Five maps and fifteen illustrations admirably supplement the text, which is well indexed.

HAROLD S. QUIGLEY.

*University of Minnesota.*

*The Historical Status of Tibet.* BY TIEH-TSENG LI. (New York: King's Crown Press. 1956. Pp. xi, 312. \$5.00.)

Because of the work of recent explorers present-day Tibet is fairly well known, but we are still ignorant of many phases of Tibetan history. This is partly due to the fact that though there is a large Tibetan literature, works dealing with history are surprisingly few in number and inadequate in scope. For this reason, all persons interested in the problem of Tibetan history will give a warm welcome to Mr. Li's work on *The Historical Status of Tibet*. Mr. Li does not pretend to a master of Tibetan literature or even of the Tibetan language, but he is an eminent authority on Chinese historiography and has made a careful study of the many passages in the Chinese dynastic histories which deal with the relations between China and Tibet and are little known in the West. For recent times Mr. Li makes use of numerous reports prepared by Chinese envoys to the Tibetan government, some of which exist only in manuscript and are not generally available. This greatly enhances the value of the book.

Though the book is to be warmly recommended, it suffers from one noticeable weakness. This is the fact that Mr. Li is a vigorous propagandist. Though the true facts are given, they are marshaled in such a way as to support Mr. Li's main thesis: that Tibet has long been an integral part of the Chinese Empire, and that it is only fair and just that Tibet continue in this status. As a matter of fact, this thesis is open to serious doubt even on the basis of the Chinese records as cited by Mr. Li. As the book itself shows, during the periods when China was ruled over by native Chinese dynasties (such as the T'ang, Sung, and Ming dynasties), embassies passed between China and Tibet, but the Chinese were never able to secure control over the Tibetan secular or ecclesiastical authorities. It was only when China itself was ruled over by foreigners, such as the Mongols and the Manchus, that the Tibetans paid more than lip service to the Emperors of China. In point of fact, both the Mongols and the Manchus secured control over Tibet *before* and not after they secured control over China.

The Tibetans considered themselves to be vassals not of the Chinese but of the Mongol and Manchu overlords of China. When the Manchu dynasty fell (1912), most Tibetans felt that their status as Manchu vassals automatically lapsed. At this time all Chinese residents inside Tibet were expelled. From 1912 to 1950 the Tibetans struggled to assert and maintain their *de facto* independence. Sometimes they accepted aid from the government of British India in order to keep the Chinese out; sometimes they accepted aid from China in order to keep the British from becoming too powerful. But at all times the Tibetans were anxious not to be absorbed into British India and not to be re-



absorbed into China. The departure of the British from India greatly weakened the Tibetan position, and in 1950 the Chinese Communists secured control over the country. It is clear, however, even from Mr. Li's book, that this was the result of superior military force and not of the wishes of the Tibetan people. Even in the present year (1956) we hear of violent outbreaks of guerrilla warfare on the part of the Tibetans against the Chinese occupational authorities.

Even if one were to stretch a point and admit that Tibet was for many centuries an integral part of the Chinese Empire, this still does not mean that the Chinese have a rightful claim to Tibet, if one accepts the general principle of the right of self-determination. The Irish will not admit that the English have a right to govern Ireland, even though it is an undoubted fact that for several centuries Ireland was an integral part of the British Kingdom. The same is true of other peoples who first secured their independence in the nineteenth and twentieth centuries.

A serious objection must be made to one of Mr. Li's other claims. This is the statement (p. 211) that Tibet absorbed civilization mainly from China and only in a lesser degree from India. It is true that racially the Tibetans (being Mongoloids) are more closely related to the Chinese than to the Hindus. It is true that the Tibetan spoken language is related distantly, *very* distantly, to the Chinese spoken language (but so are Burmese and Siamese). It is true that from time to time certain elements of Chinese culture have been borrowed and absorbed by the Tibetans. But anyone who travels in Tibet soon becomes acutely aware that the broad basis of Tibetan culture is primarily Indian in origin. The Tibetans have never made any use of the Chinese ideographs in writing but developed a phonetic script based upon the Indian Devanagari alphabet. A few Chinese books (mostly Buddhist *sutras*) were translated into Tibetan, but the overwhelming mass of Tibetan literature consists of translations from Sanskrit. Such original works as exist are modelled upon these Sanskrit writings. Lamaism, the Tibetan form of Buddhism, is derived from the Tantric type of Buddhism which developed in India during the seventh and eighth centuries A.D., long after China had borrowed an earlier and purer form of Buddhism. The art, the music, and the drama of Tibet are also basically Indian in origin.

In spite of certain defects, however, Mr. Li's book is to be warmly recommended to all those interested in the by-paths of Far Eastern history.

WILLIAM M. MCGOVERN.

*Northwestern University.*

*Judges and Jurors: Their Functions, Qualifications and Selection.* BY ARTHUR T. VANDERBILT. (Boston, Mass.: Boston University Press. 1956. Pp. 76. \$3.00.)

*The Instrumentalities of Justice: Their Forms, Functions and Limitations.* BY FRANCIS R. AUMANN. (Columbus: The Ohio State University Press. 1956. Pp. ix, 137. \$3.50.)

Arthur T. Vanderbilt, the highly articulate Chief Justice of the Supreme Court of New Jersey, and Professor Aumann have long been concerned with

the administration of justice in the United States. The former's book, *Minimum Standards of Judicial Administration* (1949), and the latter's study of *The Changing American Legal System* (1940) attest to this interest. This interest is further developed in the two books under review. Judge Vanderbilt's book is the shorter of the two, and is confined to an analysis of judges and jurors only. Professor Aumann's volume covers more ground, and indeed touches upon all of the main instrumentalities of justice, including the lawyers and the law. Neither book propounds any particular thesis, and neither breaks new ground. While both suggest the necessity of certain reforms, they follow the lines of thought previously blocked out by such writers in the field as Pound, Willoughby, and Jerome Frank. Both authors make some comparisons with English and continental European practices and institutions.

Judge Vanderbilt's little book consists of three lectures originally given in 1954-5 at Boston University under the Gaspar G. Bacon Lectureship on the Constitution of the United States. While they were written for oral delivery, the author has added the valuable and extensive supporting annotations which one expects to find in his writings. The first lecture deals with the office and functions of the judges, and the second with their attributes and selection. The final lecture is concerned with the functions, qualifications, and selection of jurors. Judge Vanderbilt managed to crowd a great deal of useful information into his three lectures.

Apart from the description of existing practices, Vanderbilt's book focuses attention on two principal ideas. So far as the judges are concerned, the contention is that their central quality, in the light of their functions, must be impartiality, and impartiality is impossible without independence. In order to achieve independence judges must be free from political influences and enjoy security of tenure. He prefers the appointment method for the selection of judges over the popular election method, but in view of American habits he settles for a combination of the two such as is found in California and Missouri. He also argues that the judiciary ought to be bipartisan. So far as the jury system is concerned, Judge Vanderbilt's position is that the key to its improvement lies in giving the judges greater control over its operation. Contending lawyers want favorable juries; in contrast, the impartial judge desires an impartial jury. Since he believes that the greatest evil in jury selection is politics, the solution in his opinion lies in shifting authority to the nonpolitical judge. The judge should also have greater control over the conduct of the trial, as in England, including the right to comment on the evidence to the jury. Vanderbilt's other suggestions for improving the jury system are now quite standard: fewer exemptions from service, use of questionnaires and personal interviews, restriction of the *voir dire*, etc.

Professor Aumann's book covers far more subjects than can be explored adequately within such a small number of pages. Part I, consisting of three very brief chapters, deals with the "ancient problem" of the reconciliation of justice with law and describes the growth of the Roman and English legal systems. The second part describes the machinery of justice, the judiciary, the

structure of courts, the problem of personnel, and some aspects of judicial procedure. The third part deals with some public attitudes towards law and lawyers. He defends the law against the charge of being too complicated, and the lawyer against a number of time-honored canards.

One looking for a short, orderly, and eminently reasonable introduction to our legal system will find this book profitable. In a largely descriptive manner it touches upon the main facts of American justice. Something is lost from over-condensation, but on the whole the reader will learn what the law is, who administers it, and what its growing edges are today.

DAVID FELLMAN.

*University of Wisconsin.*

*The Government and Administration of Wyoming: American Commonwealths Series.* BY HERMAN H. TRACHSEL AND RALPH M. WADE. (New York: Thomas Y. Crowell Company. 1955. Pp. xiv, 381. \$4.95.)

*The Government and Administration of New York: American Commonwealths Series.* BY LYNTON K. CALDWELL. (New York: Thomas Y. Crowell Company. 1954. Pp. xviii, 506. \$5.95.)

*The Government and Administration of Mississippi: American Commonwealths Series.* BY ROBERT B. HIGHS AW AND CHARLES N. FORTENBERRY. (New York: Thomas Y. Crowell Company. 1954. Pp. xiv, 414. \$4.95.)

*The Government and Administration of Florida: American Commonwealths Series.* BY WILSON K. DOYLE, ANGUS MCKENZIE LAIRD AND S. SHERMAN WEISS. (New York: Thomas Y. Crowell Company. 1954. Pp. xv, 444. \$4.95.)

*The Government and Administration of North Carolina: American Commonwealths Series.* BY ROBERT S. RANKIN. (New York: Thomas Y. Crowell Company. 1955. Pp. xiv, 429. \$4.95)

*The Government and Administration of Georgia: American Commonwealths Series.* BY CULLEN B. GOSNELL AND C. DAVID ANDERSON. (New York: Thomas Y. Crowell Company. 1956. Pp. xix, 403. \$4.95)

The President's Commission on Intergovernmental Relations observed in its report that "the success of our federal system . . . depends in large measure upon the performance of the States." This is certainly true, but it might be argued further that the performance of the states is likely to be significantly improved only when there is an awareness of the inadequacy of most state governments. No such public awareness now exists despite a decade of almost unprecedented attention to state problems. The appointment of the President's Commission is evidence of the renewed interest, as are the many "little Hoover commissions" and the current interest among political scientists in comparative state government. The latest attack on public indifference to state government is the initiation of the American Commonwealths Series, one volume on each of the states, under the editorship of W. Brooke Graves. The first six of the Series have now been published.

The curse of state government literature, and especially of state government

textbooks, has been the abominable tendency to "analyze" by saying that  $x$  number of states do it this way and  $y$  number that, seldom transcending this enumerative kind of superficial analysis. This shortcoming is no doubt largely due to the absence of state by state studies of the actual governmental problems and procedures of the forty-eight states. Whatever the inadequacies of these present volumes, they do begin to provide data from which more meaningful generalizations can be made. Rural over-representation in the legislatures, over-long and statute-laden constitutions, disorganized court systems, administrative irresponsibility, legislative agendas loaded down with local special legislation—all these problems and others are considered within the context of going governmental systems, not as assumed categories drawn from the tables in *The Book of the States*.

With some minor exceptions all six books are organized along similar lines, which facilitates making comparisons between states. Each takes up constitutional, political, legislative, executive, and administrative problems plus a detailed discussion of particular functions. Descriptions of functions and of administration are important elements of such textbooks, but it is regrettable that between one-half and two-thirds of each volume is devoted to these questions alone. This probably would not be such a detriment were the remaining portions more adequate, but unfortunately in all cases the least valuable parts are those discussing political and legislative matters. The North Carolina and New York studies give considerable insight into the politics of those two states. The Georgia and Florida studies are somewhat less revealing, but they do give the reader a reasonable understanding of the political systems. The Mississippi and Wyoming volumes unhappily do very little in this respect. An outsider reading the Mississippi study would certainly never conclude that the status of the Negro had anything in particular to do with Mississippi politics. Virtually the only reference to the Negro in regard to politics refers to their nonvoting and says: "Although now eligible to vote, few Negroes exhibit any interest or take any part in voting. Naturally the number voting may be expected to increase as the Negro increases in knowledge of, and familiarity with, state and local politics" (p. 34). Both the Mississippi and Wyoming studies substitute a summary of electoral laws for an analysis of the political system. This is especially unfortunate, since outsiders have so little opportunity to acquire this information except from on-the-spot students of the caliber of these authors.

It is to be hoped that in future numbers of the series the authors will take advantage of the prime comparative materials their predecessors have made available in these six volumes. And except where state constitutions are almost volume-length in themselves, it would seem worthwhile to include the state constitution in an appendix.

The publishers are to be congratulated on this venture. With the ultimate completion of the Series, state government literature will be the richer by far.

W. DUANE LOCKARD.

*Connecticut College.*

*Elections and Electors: Studies in Democratic Representation.* By J. F. S. Ross. (Fair Lawn, N. J.: Essential Books, Inc. 1955. Pp. 480. \$6.75.)

This new study by the author of *Parliamentary Representation* (1943) is an impressive addition to the growing list of British works on the electoral system. Both sound scholarship and a prodigious industry have gone into it. But Mr. Ross is also a vigorous advocate with an axe to grind; he believes in proportional representation and his book is designed to convince others. Indeed, he says that those who refuse to be convinced are either ill informed or perverse. This is the language of polemic rather than of scholarship, and the first half of the book is laden with it.

The second half is a series of analyses of unrelated aspects of parliamentary representation. In contrast with the first half, it is calmer and the judgment is more dispassionate. Indeed, these are valuable studies, though they might better have been separately published; they cast much light on such things as the education and vocation of MP's, the nominating system, the Speaker's Conferences, and other matters. But the author's main interest, even so, lies in the first half of the book.

He insists quite properly that proportional representation is not an electoral system but a principle which different electoral systems achieve in varying measure. He surveys a wide variety of systems and settles his choice on one combination of these. He vehemently rejects the single-member district, plurality election scheme: it offers the voters no workable alternatives; it represents them inaccurately; and it corrupts the results. He chooses therefore a multi-member district and combines with it a system of preferential voting and counting by quota, specifically the "Droop quota," a scheme that is regularly though inaccurately called the "single transferable vote." The argument in behalf of this plan is well prepared and its appeal is powerful; clearly such a system is more accurately representative than the present one. But more is claimed for it than can be justified. Mr. Ross takes great pains to disprove in advance the charge that his method will multiply parties and encourage minor groups. He concludes upon examination that his system would have produced very little change in the outcome of the 1950 election and that it certainly would not have encouraged any minor parties. But he achieves this conclusion by calling the Liberals a major national party and insisting that they deserve even more than the doubled representation his system would have given them. This apparently means that there is little difference between a two- and a three-party system. Indeed, he insists that, although the present system "is a handicap to small parties," his plan would "hinder rather than help" them. The analysis ignores the fundamental fact that parties under such a system would behave differently. To the extent that the electoral system assures the proportional representation of small groups, it encourages them to compete. The result would inevitably be the alteration of the existing two-party arrangement.

Whether Mr. Ross would welcome this is hard to say. He castigates the two-party system for its unrepresentativeness (a mandate is "just not possible"),

yet he defends his reform on the ground that it would not increase the representation of minor parties. In my view it would do exactly this.

He also expects an attack from those who consider a two-party system essential to stable government, but his discussion of this is brief and almost unconcerned. He admits that his system may require coalition governments (without encouraging minor parties?) but thinks this may not be bad; at least it would be more accurately representative. This is most unsatisfactory. Without suggesting that stability and governmental effectiveness are possible only in a two-party system, one may still insist his reform would have ramifying effects on other parts of the constitution. In particular, what would happen to the traditional role of the opposition if England should come to love coalitions?

Make no mistake; this is a useful book. The collection of data is most impressive and the analyses of various electoral schemes and problems are keen and illuminating. The book suffers badly, however, from inadequate examination of the ancillary effects of its proposals upon the surrounding institutions; and it especially fails to deal with the question of continuing stability and effectiveness in government. Mr. Ross says that "the real issue is whether we are to have representative government." Certainly this is a real issue, but equally real and at least equally important is whether we are to have effective government. Which, after all, is the main function of representative government—to represent or to govern?

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## BOOK NOTES AND BIBLIOGRAPHY

### AMERICAN GOVERNMENT AND POLITICS

*The Power Elite.* BY C. WRIGHT MILLS. (New York: Oxford University Press. 1956. Pp. 423. \$6.00.)

Charles Wright Mills, who will be remembered for his previous book *White Collar*, has produced in *The Power Elite* a scathing indictment of contemporary American society. Some have compared *The Power Elite* in potential influence to Veblen's *Theory of the Leisure Class*, with some injustice to Veblen, who was a much sounder and more cautious theorist than Mills. The publisher claims the title of "provocative" for the work, and so it is, but chiefly because of the magnitude of the absurdity which emerges as its conclusion. Actually, much of Mills's ponderous three hundred or more pages merely labors points well known to most men. It does not come as a surprise to find that American society is elitist—all societies are—or that some men have more money and power than others, or that the increasing complexity of society has resulted in the separation of the masses from significant decision making. Nor is it a revelation to discover that the tone of contemporary American society is materialistic and that a good bit of cynicism has been introduced into the average man's evaluation of the political, economic, and social environment in which he lives. On these foundations, which the author has documented with considerable detail, he erects some startling generalizations, which constitute the "provocative" aspects of the book. He concludes that we are ruled in America today by three elites, the men of corporate wealth, the militarists, and the politicians. These three elites are victims of the "higher immorality" in that they operate in an irresponsible, immoral, and cynical disregard for all but their own interests. Seemingly they are devoid of culture, in the traditional sense of the term, and, what is worse, are consciously or unconsciously uniting together to rule the rest of us in their own interests. The sordid, vulgarized, and cynical picture of American society which emerges from the author's personal sense of frustration leaves one wondering how the organization functions at all.

This over-exaggeration of what at best are trends and tendencies in American culture

places the author's conclusions in the realm of half truths. If his purpose in over-drawing his picture is to excite us to reform, he again disappoints us, for at no stage in his narrative does he offer or propose any way out of our slough of vulgarity and corruption. American society, while elitist, is still far more pluralistic than Mills will admit. There are other "power elites" unmentioned by him, and there are still fundamental traditions of honesty and responsibility in the American people, sufficient to give us at least the hope that all is not as bad as Professor Mills would have us believe. —H. MALCOLM MACDONALD, *University of Texas*.

*Chief Justice John Marshall: A Reappraisal.* Ed. W. MELVILLE JONES. (Ithaca: Cornell University Press. 1956. Pp. xvii, 195. \$3.00.)

Here is a collection of nine papers delivered at the College of William and Mary in May, 1955, to celebrate the bicentennial anniversary of the birth of the Chief Justice. The book contains in addition an Introduction to the topics of the papers written by Professor Swisher, a Foreword by Chief Justice Warren, and a Preface by the editor.

One emerges from the reading with a fairly rounded impression of what kind of man John Marshall was, where his interests lay, and what contributions he made to the foundation of American Constitutional law. The papers range in character from the heavily footnoted, such as that written by Julius Goebel, Jr., on the common law, to one with no footnotes at all, like Arthur Holcombe's analysis of John Marshall's conservatism.

While the subtitle of the book carries the word "reappraisal," the reader is left just about where he was before. But the word is justified nevertheless. Beveridge's *Life* of the Chief Justice is subjected to surgery; the prevailing notion that Marshall did not cite precedents because he did not know of any is dispelled once for all; his acumen as a practicing lawyer is demonstrated and linked to his judicial technique.

Because of the occasion on which the papers were delivered, the writers obviously feel free to express their own opinions. There is stimulating nourishment in a wealth of provocative

comments all through the book. Irving Brant's paper on the lawyers and politicians is a gem of irony and wit. And there is George L. Haskin's comment that Marshall understood the *organic* relationships of commercial transactions and did not intend the mechanical tests which his followers derived from his doctrines. There is Goebel's description of a modern judicial opinion as one "with its text well larded with citations, as if too wanting in juice to be otherwise swallowed, and garnished *sub pede* with columns of bolstering notes." All of the papers maintain a high degree of urbanity and sophistication and show that grace of style is not unbecoming to scholarship.

It should perhaps be noted with regard to the distribution of the subject matter that three papers are given to "Marshall and His Times," two go to judicial review, and four are devoted to Marshall's particular contributions to the law. While the division of emphasis is a happy one, the order in which the chapters fall will not seem inevitable to every reader, and several of the topics can be relocated to fit the reader's mode of association without harming the presentation of the subject. Of course there had to be a sequence, and perhaps the fairest thing to say is that the one used here is justifiable, although it falls short of being self-evident.—P. T. FENN, *Oberlin College*.

*The Rise of the Vice Presidency.* BY IRVING G. WILLIAMS. (Washington, D. C.: Public Affairs Press. 1956. Pp. vii, 266. \$4.50.)

The role of Vice Presidents in Presidential election campaigns, their relations with the Presidents under whom they served, and their manner of discharging their powers and functions as second officers in the national government are the subjects treated in this historical survey. It is an aptly-titled volume, for undoubtedly, since the turn of the century and particularly in the past three decades, the office of Vice President has been enjoying what might be termed a renaissance. It is no longer the obscure, forgotten office it became soon after the adoption of the Twelfth Amendment, assigned to a party hack as a mere make-weight on the national ticket.

The increasing importance of the office in the eyes of political leaders as well as the general public is underlined by the fact that, whereas none of the four nineteenth-century Vice Presidents who succeeded to the Presidency was able to win election to the Presidency in his own right, all three of the twen-

tieth-century succeeding Vice Presidents did so. The study also fully develops the point that today the Vice President, by usage and by statute, has duties and responsibilities that extend far beyond his single constitutional function as presiding officer in the Senate. Serious protracted illnesses of two Presidents since World War I have also served to focus attention on the problem of the Vice President's role during periods of Presidential inability.

Based upon extensive research and written in an interesting style, this is a timely volume on a subject that will command increasing attention in the future.—JOSEPH E. KALLENBACH, *University of Michigan*.

*Working for the People: Promise and Performance in Public Service.* BY ROBERT MOSES. (New York: Harper and Brothers. 1956. Pp. x, 283. \$4.50.)

Robert Moses has for a long time exemplified all that is best in the tradition of the public service. The range of his activities in politics and public administration at every level of operation is fabulous indeed. Perhaps his extensive work has been possible because, as Herbert B. Swepe suggests in a brief foreword, Mr. Moses knows how to trust people and can delegate authority. Mr. Moses himself later notes that he believes in delegation, but "to the right people, not to stooges, clockwatchers, trimmers and incompetents."

This book consists of a number of speeches, letters, articles, reports, and interviews, assembled and edited by a friend. These materials are divided into twenty chapters, some of which overlap, dealing with the following matters: theory and practice in politics, recruitment for the public service; planning problems of the metropolitan area with specific emphasis on New York City, the role of government in housing, parks and museums in large urban areas, conservation of natural resources, the automobile and highway construction, and preparation for the public service. Many political scientists of varied interests should find the book worthwhile. Nevertheless, it has most to contribute to those who are concerned principally with public administration and American local government. Some of the author's insights into major contemporary problems under discussion, such as the national highway program, are extremely useful.

The book is written in a lively, breezy style. It is full of interesting anecdotes. In



addition, the author's personal philosophy and orientation are revealed clearly. Mr. Moses is revealed as a man of strong, independent ideas. Some of his somewhat dogmatic assertions tend to oversimplify certain problems. For example, he seems to feel that greater interest in government by the electorate would automatically result in better governmental administration (pp. 14, 15). In another instance he asserts that "Proportional representation is the architect of communism and disorder" (p. 17).

Despite somewhat minor flaws, the book is well worth reading. Mr. Moses is an exuberant, optimistic public servant. Although keenly aware of the severe handicaps and problems of the public service, he is not a cynic. He is firmly convinced that the major governmental problems can be solved in the interest of a better American way of life. We must have "vision and idealism" and "creative realism to give them meaning."—R. J. TREBOLINI, *Lehigh University*.

*Democracy and the American Party System.*

By AUSTIN RANNEY AND WILLMOORE KENDALL. (New York: Harcourt, Brace and Company. 1956. Pp. xiv, 550. \$5.75.)

The authors, a "liberal Democrat . . . [and] a conservative Republican" ask whether "the American party system is a valuable agency of democratic government" and answer affirmatively. Beginning with an examination of democratic theory and constructing a verbal democratic model, of which formal majoritarianism (to which both writers are committed) is a feature, they then examine political parties historically and comparatively as facilitating democratic institutions; and they further examine the emergence of immanent attitudes toward parties from righteous rejection through suspicious tolerance to indifferent and (for some, at least) enthusiastic acceptance. All this forms a background for discussing American parties—their structure (competitive and one-party situations, membership, and formal and informal organizations) as well as their major activities (nominating, electing, and governing). Minor parties are scrutinized, and the book culminates in a sketch of the American political environment against which the function of the political parties is further described and evaluated; the conclusion rejects the APSA Committee's report "Toward a More Responsible Two-Party System."

*Registration of Voters in Alabama.* By DONALD S. STRONG. (University, Ala.: University of Alabama Bureau of Public Administration. 1956. Pp. vi, 135.)

"Registration of voters is both a record-keeping process and a method of restricting the electorate." Each aspect is presented with clarity in this study. The registration process appears as the most recent in a long series of efforts to disfranchise the negro. It is also an effective deterrent for the uninterested or poorly educated white. The author suggests that local variations in administration of state law correspond to variations in the social situation. A special questionnaire used only in Montgomery to discourage labor voting would disfranchise many readers of this journal. The report concludes with carefully considered recommendations for improvement.

*Letter to a Generation.* By RALPH E. FLANDERS. (Boston: The Beacon Press, 1956. Pp. 116. \$2.50.)

This is a strongly moral exhortation to work towards peace and freedom for all peoples. It is not noteworthy for originality of thought or newness of phrase and gives the impression that symbols can do it all, as in the late Helen Hokinson's cartoons. The book is none the less a respectable tract by a good and very admirable humanitarian.

*A Catholic Runs for President: The Campaign of 1928.* By EDMUND A. MOORE. (New York: The Ronald Press Company. 1956. Pp. xii, 220. \$3.50.)

This book reviews the polemics excited by Al Smith's campaign for the presidency. Contemporary statements are quoted freely. The author concludes that the religious issue in the Smith-Hoover contest is difficult to separate from others and that religion is still a potentially divisive force in American politics.

*The Fabulous Democrats: A History of the Democratic Party in Text and Pictures.* By DAVID L. COHN. (New York: G. P. Putnam's Sons. 1956. Pp. 192. \$5.95.)

A simplified history of the Democratic Party with numerous illustrations. A highly favorable view of the subject.

*Eisenhower the President.* By MURDO J. PUSEY. (New York: The Macmillan Company. 1956. Pp. 300. \$3.75.)

The story of the President and his admin-

istration as they have moved without interruption from success to success. Suitable for campaign use by Republican committees.

*The Hoover Report 1953-1955: What It Means to You as Citizen and Taxpayer.* By NEIL MACNEIL AND HAROLD W. METZ. (New York: The Macmillan Company. 1956. Pp. vi, 344. \$6.00.)

A popular summary by the Commission's chief editor and research director. Chapters are devoted to the various reports of the Commission, whose conservative temper and attitudes are evidently shared by the authors of this book.

*Party Politics.* By IVAN HINDERAKER. (New York: Henry Holt and Company. 1956. Pp. x, 694. \$6.50.)

Basically a discursive commentary on the political practices developed by the federal two-party organization. Strong theoretical cast which obstructs systematic unification of the subject. Much shrewd analysis but mixed at important points with superficial definition. Pleasant style. Many pictorial illustrations.

*The Two-Party System in the United States.* By WILLIAM GOODMAN. (Princeton: D. Van Nostrand Company, Inc. 1956. Pp. xii, 649. \$6.00.)

This textbook differs from other texts in the field by giving a reasoned account of the causes which produced the two-party system with its characteristic political behavior. Expository and analytical rather than historical in its method. Neatly tied in with the usual descriptive material. Closely written with fluent style. Charts and tables.

*Public Finance and Economic Welfare.* By KENYON E. POOLE. (New York: Rinehart & Company, Inc. 1956. Pp. xvi, 640. \$6.50.)

A systematic and well integrated treatment of fiscal policy is contained in this text. Noteworthy inclusions are: the development of well defined norms; the thorough treatment of Keynesian employment theory; the discussion of the interrelationships of monetary and fiscal policy; and the impact of fiscal policy on the distribution of income. Approximately one-third of the book is concerned with tax-

ation *per se*. Also included is an interesting and valuable discussion of intergovernmental fiscal relations. Particularly welcome is the thoroughgoing orientation of the analysis and the policy proposals to the important social problems of stability and growth.

*Public Control of Economic Enterprise.* By HAROLD KOONTZ AND RICHARD W. GABLE. (New York, Toronto, London: McGraw-Hill Book Company. 1956. Pp. xii, 851. \$7.00.)

An encyclopedia of description is provided by the authors of this textbook. Control, beyond anti-trust legislation, is construed by the authors to include even monetary, fiscal, and direct controls. The meaning of economic enterprise is extended to include transportation, public utilities, labor, agriculture, and finance, in addition to manufacturing. In order to judge the desirability and efficacy of controls, the norms of results need to be more clearly and consistently set forth by the authors. In addition, a knowledge of the structure, behavior, and results of the economy beyond that to be gained from the text is necessary in order to evaluate controls. The text is suited to the control portion of an industrial organization-public policy course when this broad type of coverage is desired.

*The Development of American Petroleum Pipelines: A Study in Private Enterprise and Public Policy, 1862-1906.* By ARTHUR MENZIES JOHNSON. (Ithaca: Cornell University Press. 1956. Pp. xiii, 307. \$4.50.)

The thesis developed in this historical work is that the control of pipelines was a major instrument in the formation of the structure of the petroleum industry. Also, the thesis is advanced that public policy in the early period was oriented and used to enhance the position of particular firms, notably Standard Oil, rather than to gain material welfare for the consumer. Although these points in this useful study appear convincing, the various judgments of the author concerning the role of public policy in this area as opposed to other areas and the influence of the historical development of the period on the future development of the industry and of policy are not proved in this volume.

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## FOREIGN AND COMPARATIVE GOVERNMENT

*Modern Political Parties: Approaches to Comparative Politics.* EDITED BY SIGMUND NEUMANN. WITH CONTRIBUTIONS BY FREDERICK C. BARGHOORN, SAMUEL H. BEER, GWENDOLEN M. CARTER, ANDREW GYORGY, CHARLES A. MICAUD, SIGMUND NEUMANN, FELIX E. OPPENHEIM, DANKWART A. RUSTOW, ROBERT A. SCALAPINO, AND E. E. SCHATTSCHEIDER. (Chicago: The University of Chicago Press. 1956. Pp. xii, 460. \$7.50.)

This should prove to be a widely used reference book on comparative party systems. It contains separate expositions of democratic party systems in Great Britain, the British self-governing dominions, France, Belgium, the Scandinavian countries, and the United States. There are also treatments of the one-party systems of the Soviet Union and of the East European satellites. The present German and Japanese party systems are also presented, with extensive background material on the earlier political systems of those countries.

In all cases the treatment is basically functional, without excessive emphasis upon formal structure though the more important

features of party structure are adequately presented. Party functioning is discussed in relation to appropriate phases of historical background and of social context. Each section is written by a specialist in the area or country concerned.

These studies were made independently, in so far as no general conceptual framework was imposed, but in the hope that they might contribute to a needed general theory of political parties. Toward this goal very little has been attained. This is probably to be expected of a project which attempts "a simultaneous attack on both theory and practice" and which employs area specialists in the presentation of all the empirical material.

There are introductory and concluding essays by the editor. The latter essay summarizes the more or less accepted theoretical considerations as to democratic party systems—the different functioning of two-party and multi-party systems and the historical sequence of different types of parties in Western Europe—and also characterizes a number of questions for study in the development of a modern "sociology of parties." For the most

part these latter considerations are merely suggestive. As the editor suggests in the introductory essay, genuine comparison is seriously hampered in this as in other aspects of comparative government because "we are still living within an ideological framework of a hundred years back." In this as in other areas of political generalization it is probable that serious progress will depend upon the introduction of new classificatory concepts which will draw distinctions more fruitful in an explicative sense than those secured by the application of the traditional concepts.—G. LOWELL FIELD, *The University of Connecticut*.

*The Political Role of Women*. BY MAURICE DUVERGER. (Paris: UNESCO. 1955. Pp. 221. \$2.50.)

The scope of this book is far more limited than its title suggests. The work is based on a relatively small body of statistics drawn from only four countries—France, the German Federal Republic, Norway, and Yugoslavia—and indeed from rather inadequate material even for these four. None the less, the conclusions the study reaches and certainly the questions it asks are important. The book should serve as a pioneer venture in a field which needs far more exploration.

*The Political Role of Women* is divided into two sections: the part women play in elections and the part they play in political leadership. As can be expected, the survey finds that in the countries under consideration the role of women in parliament, local government, the civil service, and political parties is far less than their numbers as voters might suggest. Part of the reason, in M. Duverger's view, is male opposition to sharing positions of importance; no less or perhaps even more important is the general assumption that politics is a man's field, an assumption made no less widely by women themselves than by men. Whether women's continued use of the franchise will help to break down this assumption, as M. Duverger suggests, remains to be seen. Even in the United States, groups like the League of Women Voters and the women's colleges have done little enough as yet to change this view, as he himself comments in the report he presented to the Political Science Congress at The Hague in 1952, which is reprinted as one of the four appendices of the book.

What the study suggests about women's use of their franchise is again not unexpected but also not unimportant. On the whole,

married women were found to vote in the same way as their husbands, but it is far from sure that the influence runs all one way. Women are less party-bound than men; they abstain more often from voting; they are more likely to be influenced by personalities than are men, though, contrary to the general view, more women among those for whom there are statistics vote on the basis of platforms than of people.\*

Perhaps the most important conclusion drawn from M. Duverger's material is that, despite the hospitality of left-wing parties to women candidates, women voters tend to support the more conservative and religiously-oriented parties, like those of continental Christian Democracy. Particularly in France, this may be far from unimportant for the balance of parliamentary power. At least on one occasion—the defeat of the draft constitution of the Fourth Republic in the referendum of May 1948—the women's vote is thought to have been decisive.

One rather disturbing suggestion in M. Duverger's general conclusions is that there is an increasing tendency for women in politics to specialize on what are known as women's fields: health, housing, education, family welfare, etc. Thus in place of the earlier insistence on equality of citizenship, which was maintained so strongly in the fight for women's suffrage, there is a growing emphasis by political parties, and even by women's groups, on serving particular interests. The advantage may be that these very important interests will receive attention which they would otherwise lack; the danger is of an unnatural segmenting of life. Any over-sharp division between men and women, particularly in the field of political parties, could sacrifice individuality and personality to numbers and to an assumption of basic intellectual differences which has certainly not yet been proved.—GWENDOLEN M. CARTER, *Smith College*.

*Public Enterprise: A Study of its Organisation and Management in Various Countries*. EDITED BY A. H. HANSON. (Brussels: International Institute of Administrative Sciences. 1955. Pp. 530. \$7.00.)

A useful selection of working papers prepared for the Seminar on the Organisation and Administration of Public Enterprise in the Industrial Field, held in Rangoon in March, 1954, under the joint sponsorship of the United Nations Economic Commission for Asia and the Far East, the United Nations

Technical Assistance Administration, and the International Institute of Administrative Sciences. This does not purport to be a world survey of public enterprise; it is, rather, an unsystematic presentation of certain national experiences in public enterprise in several highly developed and less highly developed countries. There is great variety in the aspects of the subject chosen for discussion, there are many gaps, and the papers are uneven in quality. The collection, however, is interesting, informative, and stimulating; and the variety does not detract from its value.

*The Colonial Office.* By SIR CHARLES JEFFRIES. (New York: Oxford University Press, Inc. London: George Allen & Unwin, Ltd. 1956. Pp. 222. \$2.40.)

This latest issue in the *New Whitehall Series* has been long needed and will prove invaluable to any student of the modern British empire. The author is now Deputy Under-Secretary in the Colonial Office; he thus writes with sympathy and authority, but he writes, too, with charm and objectivity. The book describes the organization of the office, the recruitment and management of its personnel, the problems confronted in various colonial territories and functional fields, and the general pattern of British colonial administration.

*British Government Inspection as a Dynamic Process: The Local Services and the Central Departments.* By JOHN S. HARRIS. (New York: Frederick A. Praeger. 1955. Pp. xii, 196. \$4.25.)

A careful study of inspection as a device by which the central government ministries ensure compliance by local bodies with central policies and standards. The author emphasizes the two-way function of the inspectorate, passing information and complaint to Whitehall as well as enforcing local conformity. Each functional area is examined, the techniques are described, and the effectiveness of the inspection process is evaluated. A very competent piece of work.

*The People and the Constitution: Being a History of the Development of the People's Influence in British Government.* By CECIL S. EMDEN. (2nd ed., rev. Oxford and New York: Oxford University Press. 1956. Pp. vi, 339. \$6.75.)

This new edition of a book first published in 1933—see this REVIEW, XXVII (1933), 643 f.—has been "revised and brought up to date."

It remains, however, useful chiefly as a convenient summary of the eighteenth-nineteenth century development of the machinery of popular influence and of the changing opinion of statesmen on the constitutional role of the people. Mr. Emden's treatment of more recent developments, his analyses of actual popular influence, and his ventures at normative theory are too elementary to be of value to political scientists.

*The British Commonwealth: An Experiment in Co-operation Among Nations.* By FRANK H. UNDERHILL. (Durham: Duke University Press. 1956. Pp. xxiii, 127. \$2.00.)

These three brief lectures by an eminent Canadian historian inaugurate a publication series by Duke University's new Commonwealth Studies Center. One hopes the series will maintain this impressive standard of perceptiveness, urbanity, and charm. The author offers an analysis of the historical development of the Commonwealth, an interpretation of its present structure, and a cautious prognosis of its future.

*Divided We Stand: A Study of Partition.* By MICHAEL SHEEHY. (New York: G. P. Putnam's Sons. 1956. Pp. 104. \$2.75.)

The author of this thin volume is a rarity: a young Southern Irishman and sincere Roman Catholic who deplores the current efforts to end the partition of the island by forcing Ulster into the Republic of Eire. The arguments he makes in defense of partition (reasonably dispassionate in view of the controversy) embrace historical, sociological, and ethical considerations.

*The Struggle for Responsible Government in the North-West Territories, 1870-97.* By LEWIS HERBERT THOMAS. (Toronto: University of Toronto Press. 1956. Pp. vii, 276. \$5.00.)

A history of the various stages of territorial rule in western Canada, particularly in the areas now comprising Saskatchewan and Alberta. The book is divided into two sections, "The Establishment of the Territorial System" and "The Movement for Territorial Autonomy."

*Trade Union Government and Administration in Great Britain.* By B. C. ROBERTS. (Cambridge, Mass.: Harvard University Press. 1956. Pp. vii, 570. \$6.00.)

An extensive study of the government and administration of British trade unions. The

legal framework, the main structure of trade union government, the electoral process, officialdom, finance, and federal and T.U.C. organization are considered successively. Some of the data are reassembled, union by union, in an appendix. The author is specially concerned with democratic organization and control. He concludes that "while the unions have sacrificed democratic control for administrative efficiency as they have grown larger and more centralized, there is evidence to show that in the last resort the wishes of the members are paramount." However, the location of power within the unions is not very sharply defined. Trade union policy and political activity, with the exception of political funds, are outside the scope of this study.

*Return to Power: A Report on the New Germany.* BY ALISTAIR HORNBY. (New York: Frederick A. Praeger. 1956. Pp. 415. \$7.00.)

A study of Germany, 1952-1955, by the London *Daily Telegraph's* correspondent at Bonn. The author emphasizes the struggle over Germany's relations to the EDC and NATO and political and economic developments in West Germany; interesting observations are also made about conditions in Russian-dominated East Germany.

*Die Neugliederung des Bundesgebietes: Gutachten des von der Bundesregierung eingesetzten Sachverständigenausschusses.* HRSG. VOM BUNDESMINISTERIUM DES INNERN. (Bonn, Köln, Berlin; Carl Heymanns Verlag K.G. 1955. Pp. 221. 3 fold. maps. DM 12.00.)

A government committee to consider problems of the rearrangement of the territory of the *Länder* of the Federal Republic was appointed by the Government on January 15, 1952, under the authority of art. 29 of the Federal Constitution. The chairman was former *Reichskanzler* Dr. Luther, who had long been interested in the problem. The report is the result of a three-year study of the various points involved and deals not only with the historical development of the areas but also with various considerations affecting the ability of the *Länder* to function effectively.—(J.B.C.)

*Bibliographischer Dienst Staat und Recht.* PUBLISHED BY THE DEUTSCHES INSTITUT FÜR RECHTSWISSENSCHAFT. Bi-monthly. (Berlin: Akademie Verlag GmbH. 1955-. DM 3.70 each number.)

For the current periodical literature in the fields of political science and law in the German Democratic Republic and in the People's Democracies, the highest official legal research agency of the DDR has been publishing since October, 1955, a bi-monthly classified bibliography. Included with this is a similar partial service for the journals of the German Federal Republic so far as received there, as well as an accessions-list of the library of the Institute, lists of translations into German from the Russian journal *Sovetskoe gosudarstvo i pravo*, and lists of unpublished translations into German available at the library of the Institute.—(J.B.C.)

*250 questions, 250 answers, about the German Democratic Republic.* BY THE COMMITTEE FOR GERMAN UNITY. (Berlin: Verlag Die Wirtschaft. 1955. Pp. 184.)

The English language edition, translated from the 4th German edition, presents the case for the unification of Germany from the official point of view of the German Democratic Republic, in a series of questions and answers. The first German edition is dated January, 1954.—(J.B.C.)

*Mouvements ouvriers et socialistes (chronologie et bibliographie): La Russie.* Tome I, 1725-1907. BY EUGÈNE ZALESKI. (Paris: Les Editions Ouvriers. 1956. Pp. 462.)

This is a bibliographical volume in a series dealing with the workers' movements in various countries, brought out under the auspices of *L'Institut Français d'Histoire Social*. The present work covers four areas: the infiltration of western ideas into Russia (1725-1850), the Populist Movement (1851-84), the emergence of the working-class and the birth of the Social Democratic Party (1885-1904), and the First Revolution (1905-1907). Volume Two, which is yet to appear, will carry the listings from 1907 to the present. The book is of special value to scholars not only because of its exhaustive listings, but also because of the inclusion under each work of a reference to the principal libraries in which it may be found.

*Stalin's Great Secret.* BY ISAAC DON LEVINE. (New York: Coward-McCann, Inc. 1956. Pp. 126. \$2.50.)

Much expanded from an article in *Life* magazine, this book provides further evidence for the author's assertion that Stalin was an agent of the *Okhrana*. It will not be easy to

confirm (or to refute) this well constructed case, which opens a new avenue to the understanding of a mysterious character.

*The Balkans in Our Time.* By ROBERT LEE WOLFF. (Cambridge, Mass.: Harvard University Press. 1956. Pp. xxi, 618. \$8.00.)

A thorough study of Yugoslavia, Rumania, Bulgaria, and Albania since the beginning of World War II, with adequate background material to bring present-day Balkan problems into proper focus, by the wartime chief of the Balkan Section, Research and Analysis Branch, OSS, who is one of America's foremost Balkan experts. In detail, the author describes conditions in the Balkans before and during World War II, shows how the Communists came into power in all four countries, and describes political, social, and economic life in these countries since they fell into the Soviet orbit.

*History of Turkey: From Empire to Republic.* By M. PHILIPS PRICE. (New York: The Macmillan Company. 1956. Pp. 224. \$4.50.)

Written by a British Member of Parliament and specialist on Near Eastern affairs, this brief history stresses the events leading to the rise of modern Turkey, the reforms of the Ataturk era, current political, social, and economic problems, and the role of Turkey in resisting Russian expansion.

*Nationalism and Communism in East Asia.* By W. MACMAHON BALL. (New York: Cambridge University Press. 2nd ed., rev. 1956. Pp. v, 220. \$5.15.)

A revised edition of a standard short work by an Australian political scientist and governmental official. The relationship between nationalism and communism is examined in the context of developments and trends in ten Asian countries.

*The Constitution of the Islamic Republic of Pakistan.* (Karachi: Department of Advertising, Films and Publications. 1956. Pp. xvii, 224.)

The Constitution of Pakistan, finally adopted and enacted by the Constituent Assembly on February 29, 1956, was published by the Ministry of Law in March, 1956. The official edition of the text is unfortunately not indexed, and a rapid scanning of the table of contents does not furnish sufficient indication of many interesting features of the basic law of the first Islamic Republic.—(J.B.C.)

*Policy Statement.* ADOPTED BY THE SECOND NATIONAL CONFERENCE OF THE PRAJA SOCIALIST PARTY HELD AT GAYA, 26-30 DECEMBER, 1955. (New Delhi: Praja Socialist Party. 1956. Pp. 99. Annas 12.)

The statement was prepared mainly by the late chairman of the Party, Acharya Narendra Deva, and "elucidates the Party's ideological differences from individualism and communism, offers a brief criticism of the principles and policies of the Congress and the Communist Parties, and reviews in brief the objectives and claims of the Congress Government."—(J.B.C.)

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HIRAM M. STOUT

Washington, D. C.

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## INTERNATIONAL LAW AND RELATIONS

*Europe's Classical Balance of Power: A Case History of the Theory and Practice of One of the Great Concepts of European Statecraft.* BY EDWARD VOSE GULICK. (Ithaca: Cornell University Press. 1955. Pp. xvii, 337. \$5.50.)

The ceaseless struggle for influence is an abiding characteristic of human relations with which every society must contend. The great variety of ways in which the problem has been dealt with provide the fascinating, and frequently fantastic, material of political history. Not the least interesting exhibit is that afforded by eighteenth-century Europe, whose outlook and particular set of practices culminated in the Congress of Vienna. It is a period set off by the religious controversies that preceded and the nationalistic conflicts that followed it. Characterized by rationalism, scepticism, and moderation, it produced its own brand of politics. Balance of power was its ideal, much as, Gulick remarks, democracy is the twentieth-century ideal.

Balance of power is one of those loose terms in which political science abounds. Yet in the eighteenth-century context it had a certain precision. More than merely a peripheral concept, it was a philosophy of politics which the practicing diplomats sought earnestly to apply. Gulick is admirably successful in describing the system. He first constructs a theoretical model based on the writings of the time, and secondly he shows, in an extended account of the Congress of Vienna, the profound in-

fluence of the concept on the political thought of the period. He gives a lucid account of a phenomenon that students of international relations only too often are content to treat as a generality. The book is full of quotations and contains a good deal of value.

Gulick's final judgment of the balance of power is clearly formed. It is fully set forth here, for it is avoidably complex. But he distinguishes between balance of power and balance of power policy. He states his main point: "Woodrow Wilson did much to discredit the balance of power, but he popularized the idea of the balance of power. He conceived the two to be the same, and he rested on an unstable balance of power. The other foundation of a preponderance of power, the balance of power, was seriously wrong in the eyes of the world. The viewer has found that an examination of the history of Wilson's policy confirms this. Gulick suggests that the difficulty is failure to distinguish between what he calls 'alliance equilibrium,' the growth of the former, and 'balance of power,' that collective security, the logical end-point of the former."—EDWARD H. LEWIS, *University of Chicago*.

*Treaties and Federal Constitutions.* By JAMES McLEOD HENDRY. (Washington, D. C.: Public Affairs Press. 1956. Pp. v, 186. \$4.50.)

That a study of this subject should be made by a Canadian professor of law, trained both in Canada and in the United States, is altogether commendable. In addition to that of the two federal governments under which he has lived, Professor Hendry analyzes the experience of Switzerland and Australia. In Part I of his book he presents a background description of the historical and constitutional aspects of treaty-making in the four federations. Capacity to enter into treaties and performance ability under them are compared in Part II and Part III respectively. In Part IV the author offers opinions and suggestions intended to solve or to simplify some of the problems earlier clarified.

The extent to which federations are handicapped in treaty matters is the main theme of Professor Hendry's investigation, and on this subject he makes a number of well-supported generalizations. For instance, he points out the more clear-cut and definite arrangement of executive power in the United States and Switzerland, as compared with Australia and Canada. The treaty powers of the central government of the United States, both in respect to "capacity" and "performance," he believes adequate to the expanding need for treaties in world affairs. Examining judicial opinions, he finds state laws no bar to treaties dealing with proper subjects for international regulation; he nevertheless considers the Tenth Amendment a "deterrent to a too expansive interpretation of treaty clauses." He might well have explained an actual, if not legal, handicap in treaty-making in this country resulting from executive fear of charges that treaties are being used to amend the Constitution, should it sign United Nations treaties dealing with human rights: our government has opposed a covenant of human rights, and more recently it has rejected a newly negotiated convention against slavery. Canada, the author argues, is handicapped when agreements require legislative action outside the orbit of Section 91 of the Constitution because the prior approval of the provinces must be obtained.

Professor Hendry contends that treaties municipally inoperative and unenforceable are nevertheless valid in international law, whether they be violative of the "capacity" limitations or the "performance" limitations

of the constitution. His well-constructed argument might be strengthened by reference to the practice of the United States of conceding its international responsibility and granting financial redress when one of the forty-eight states has been delinquent in protecting aliens and has thus rendered inoperative a treaty to which this nation is a party.

Professor Hendry is critical of federations for their weaknesses in treaty matters. In his opinion, the growing need for agreements on economic and social matters raises a question as to whether the federal form of government can endure. Switzerland and the United States have, he believes, experienced more of a trend toward the centralization which modern conditions demand than have Australia and Canada.

The reader will find in this volume a well-documented and well-reasoned treatment of the subject. Americans will discover little about their governmental system that is new but will profit from a thoughtful comparison of our methods and problems with those of other countries.—NORMAN HILL, *University of Nebraska*.

*The German Fifth Column in the Second World War.* By LOUIS DE JONG. TRANSLATED FROM THE DUTCH BY C. M. GEYL. (Chicago: University of Chicago Press. Pp. xi, 308. \$5.00.)

This valuable study of an important subject was written for the State Institute for War Documentation in Amsterdam, by its Executive Director. He believes the book bears "a provisional character" (pp. vii-viii) because he did not have access to all sources—hardly possible under the circumstances. However, he has dug up sufficient evidence to make his points convincingly.

In Part I the author graphically describes the "Fear" of the German civilian and military Fifth Column which developed in many countries after 1933, often growing into veritable panics. The alarm caught on in the United States and in the Americas, with the help of reports from reputable statesmen and established reporters, until there was a "Fixed Image" (Chapter VIII). Nor has the story changed in post-war writings. Only "a few [historians have] expressed any clear doubts of the omnipotence of the Fifth Column" (p. 139).

Part II of the book, entitled "Reality," tells what actually happened, in Europe and in America. The author concludes his careful examination by stating: "There is a striking

difference between the ideas about the German Fifth Column . . . and the actual activities . . . in almost all countries the size of the German military Fifth Column was grossly overestimated." Evidence of its activities "of any considerable magnitude [was] confined to Poland and Yugoslavia" (pp. 246, 266).

However, the "German political Fifth Column certainly was no myth." Hitler wielded this weapon with consummate mastery. The *Anschluss* and the annexation of the Sudetenland "were the two greatest, the two only important successes really that Hitler was able to achieve by manipulating mass movements in foreign parts." Much as the notions that sprang up during 1933-39 "may have been exaggerated or incorrect as to particulars . . . in many respects the actual events were even worse . . ." (pp. 289, 295-96). For various reasons, however, political Fifth Columns developed only in Memel, Hungary, Roumania, Poland, and Yugoslavia. In some countries such developments were not feasible; in others they did not fit in with Hitler's plans, as in Estonia, Latvia, and the South Tyrol (p. 294).

In a chapter called "Historical Summary," the author describes the activities abroad of the functionaries of the various Nazi party organizations, the Gestapo, Foreign Office, and the Army intelligence (as he points out, the latter two institutions of all countries were engaged in similar activities). He also treats with great clarity the various factors favoring the rise of Fifth Column activities among *volksdeutsche* groups outside Germany.

The book is carefully indexed and documented. The author points out that its Dutch edition contains "a 35-page survey of all source materials used as well as an introduction to these sources" (p. 301). It is a pity that the Chicago University Press did not see its way clear to include them and thus make the book even more valuable.

We might add that a jacket for a scholarly publication should be written with more regard for the actual contents and conclusions of the book than was done in this case.—JOHN BROWN MASON, *Georgetown University*.

*World Indivisible: With Liberty and Justice for All.* BY KONRAD ADENAUER. TRANSLATED BY RICHARD AND CLARA WINSTON. (New York: Harper and Brothers Publishers, 1955. Pp. xxx, 128. \$2.75.)

The fifth volume of *World Perspectives*, planned and edited by Ruth Nanda Anshen,

consists of selections from speeches by German Chancellor Konrad Adenauer that portray him as a consistent advocate of "World Indivisible: With Liberty and Justice for All." He asserts that "narrow-minded nationalism" was the root of Germany's disaster and that the age of national states has come to an end. He has favored an integrated Europe as the nucleus of an alliance among those political forces whose basis is Christianity; such a union is seen as a deterrent to the further advance of Soviet Russia, which he characterizes as "Christianity's deadliest and most terrible enemy." He is hopeful that some day the U.S.S.R. will negotiate with the United West and that an honorable *modus vivendi* may be established. "Once the immediate crisis has been overcome and becomes a thing of the past, the new-formed community of the West will continue as a living example of practical neighborly union, at first only in the West, but with time, possibly, in the whole world."

In his introduction, Professor Ernest Jackh makes it clear that consistency in personal conduct and political philosophy as a feature of Konrad Adenauer's character is not limited to his period as Chancellor but has been evident in his entire public career.

An explanatory note states that these selections from the Chancellor's speeches are concerned with three distinct periods extending from the founding of the Federal Republic in September, 1949, to the return of German sovereignty in May, 1955. Unfortunately, however, the speeches are neither dated nor identified. They are presented in essentially chronological order in fifteen chapters with such headings as "End of Nationalism," "Christian Civilization at Stake," "Worldwide Aggression by Totalitarian Communism," "Germany's Reunification," and so on.

This collection will not be useful for the historian who is interested in discovering what the Chancellor said on specific occasions, but it is of great value for anyone interested in obtaining a portrait of the political thought of "the best German statesman since Bismarck."

—CHARLES D. HOUNSHELL, *Emory University*.

*Argentine Upheaval: Perón's Fall and the New Regime.* BY ARTHUR P. WHITAKER. (New York: Frederick A. Praeger, Inc. 1956. Pp. x, 179. \$3.50.)

This little volume, as Professor Whitaker would doubtless be the first to admit, is a piece of reporting and analysis (and a most competent one) rather than one of research.

In some respects it is unfortunate to have it come out in book form, and yet we could have got it, in the detail that it gives, in no other way. The official terminal date of the study is December 1, 1955 (the author in one footnote recounts a development of as late as December 15) and yet the inevitable delays of book manufacturing prevented publication before the end of May, 1956. Professor Whitaker was faced, in exaggerated form, with the dilemma a newspaper correspondent would be confronted with if he knew that his very timely dispatch would not be published for, say, two weeks.

And yet, granting that unescapable sort of awkwardness in the timing of the study, the author has done an uncommonly good job of not only lucidly recounting the factual developments in the critical and dramatic Argentine picture of the last half of 1955, but also in analyzing and interpreting the impacts and attitudes of classes, power groups, and parties.

One might quarrel mildly with some of the details of the interpretation, as for instance in regard to the future rôle of the very young Catholic parties, but that does not deny the essential validity of the way in which the author has read between the lines. It is at least startling, too, to read the ultra-realistic suggestion that "if the United States wishes to strengthen the present regime in Buenos Aires, it could do worse than stir up a sharp diplomatic controversy with the authorities there" and then subsequently eat humble pie and perhaps make a large loan in pseudo-contribution, thus enabling nationalistic Argentina to gain a presumptive diplomatic triumph. It would indeed be a novel technique if projected into the general conduct of United States foreign relations!

The utility of the volume is increased by the addition of translations of some ten key broadcasts emanating from Buenos Aires at critical points in the late 1955 scene. All in all, the study is a highly useful one to add to the Argentine shelf.—RUSSELL H. FITZGIBBON, *University of California (Los Angeles)*.

*The United Nations and Human Rights.* By JAMES FREDERICK GREEN. (Washington, D. C.: The Brookings Institution. 1956. Pp. viii, 194. \$1.50.)

This paperback volume is Part I of a projected book on *The United Nations and Promotion of the General Welfare*; it is published in

advance of the full work (one of seven in the Brookings series on the United Nations) "because of . . . current public interest." The author comprehensively surveys U. N. experience in defining, promoting, and protecting human rights; the treatment begins logically with a deft sketch of the historical setting and concludes with a summary examination of efforts to deal with violations of these rights. Green writes competently and with meticulous care as to details of procedure, albeit with a fervor for condensation that excludes much of the "human interest." As appendices appear the texts of the Universal Declaration of Human Rights and of the two International Draft Covenants, one on Civil and Political Rights and the other on Economic, Social, and Cultural Rights. As a most reliable reference work and an aid to research, this partial study will serve well.

The general reader will be impressed with the vast scope of the subject, with the sustained idealism and pioneering character of myriad diverse enterprises to make headway in this vital field through organized international action, and with the grave difficulties that retard, if not seriously impeach the wisdom of, the cause. For the underlying philosophical premise—that, while maintaining world peace is the primary objective, the long-run success of the U. N. requires substantial progress in achieving justice among peoples and nations—pervades the whole effort, as it undoubtedly will the complete book on the U. N. and the general welfare. The validity of this premise is a lesson as yet only imperfectly learned by the American people, as the reversal of national policy on the Draft Covenants demonstrates. The author's account makes surpassingly clear how such high purpose has been obscured and its pursuit frustrated by the interplay of the politics of national interest with the diverse cross purposes of the East-West cold war, colonialism *versus* dependent peoples, developed countries *versus* the underdeveloped, and white races *versus* the colored. Miracle it is that anything has been accomplished; but Green vouches that it has, however tentative and piecemeal.—AUGUST O. SPAIN, *Texas Christian University*.

*Survey of International Affairs, 1953.* By PETER CALVOCORESSE. (Oxford, New York, Toronto: Oxford University Press. 1956. Pp. vii, 400. \$7.70.)



*Documents on International Affairs, 1953.*

EDITED BY DENISE FOLLIOT. (Oxford, New York, Toronto: Oxford University Press. 1956. Pp. xix, 513. \$9.20.)

Felicitous in style, judicious in the selection of materials, straightforward in opinion, Mr. Calvocoressi and his collaborators manage again to cover a great many events in a relatively slender volume. Continuing the policy of emphasizing now one area or country, now another, they provide for 1953 a rather detailed account of France and, for the first time since the *Survey* for 1947-8, a separate section, written by George Pendle, on Latin America. In both cases, there is considerable emphasis on internal political and economic conditions. Mr. Pendle, in addition, takes up the threat of communism within the Latin American states, carrying the story of Guatemala down to the events of June, 1954. F. C. Jones contributes the sections covering the Far East.

This is the last of the surveys for which Mr. Calvocoressi will have responsibility, a fact that one must note with regret. The volume of documents, as usual in the postwar series, parallels the *Survey* in its organization.

*The Anglo-American Tradition in Foreign Affairs: Readings from Thomas More to Woodrow Wilson.* EDITED BY ARNOLD WOLFERS AND LAURENCE W. MARTIN. (New Haven: Yale University Press. 1956. Pp. xxvii, 286. \$4.50.)

Containing selections from twenty English and American philosophers and officials of the past four centuries, the present volume demonstrates that the historical study of political thought has relevance for international as well as for domestic politics and problems. The editors have chosen well. Their selections convey the fundamental propositions made by each man, an understanding of why he reacted as he did to the problems of his time, and something of the flavor of his personality as well. Taken together, the readings present some recurring problems and patterns of thought, some common threads forming, perhaps, an Anglo-American tradition in foreign affairs, and a good many points of contact with Continental thought besides. Continuity is provided by the running commentar-

ies of the editors, and the whole is introduced by Professor Wolfers.

*Sbornik destruktivnykh dogovorov, soglashenii i konventsiy zakliuchennykh SSSR s inostranny mi gosudarstvami. Vypusk XII.* PUBLISHED BY THE SOVIET MINISTRY OF FOREIGN RELATIONS. (Moscow: Gosudarstvennoe Izdatelstvo Politicheskoi Literatury. 1956. Pp. 198.)

The twelfth volume of the Soviet official treaty collection covers the period from September, 1945, through the end of 1946, and includes only the texts in Russian. For Mongolia and certain other countries, treaty texts do not seem to be normally available except in this Russian collection.—(J.B.C.)

*The Communist International: 1919-1943 Documents. Vol. I: 1919-1922.* SELECTED AND EDITED BY JANE DEGRAS. (Oxford, New York, Toronto: Oxford University Press. 1956. Pp. xvi, 463. \$3.80.)

A valuable collection of documents illustrative of the policies, pronouncements, and organizational problems of the Communist International from 1919-1943. A second volume is planned, continuing the story up to the dissolution of the Third International. The work will be welcomed as a handy and authoritative reference by scholars working in the field of Communism and Russian History.

*Annuaire Européen. European yearbook. Vol. II.* PUBLISHED UNDER THE AUSPICES OF THE COUNCIL OF EUROPE. (The Hague: M. Nijhoff. 1956. Pp. xix, 727.)

Several present-day European organizations are treated for the first time in Vol. II. Among these may be mentioned the Central Commission for the Navigation of the Rhine, Benelux, Balkan Alliance, International Commission on Civil Status, Customs Co-operation Council, European Plant Protection Organization, and the Conference on the Coordination of Air Transport in Europe. Information and documents about most of these are obtainable only with much difficulty. Also included in this volume are articles on American and Russian attitudes towards European integration.—(J.B.C.)

# SELECTED ARTICLES AND DOCUMENTS ON INTERNATIONAL LAW AND RELATIONS

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## POLITICAL THEORY, RESEARCH, AND METHODOLOGY

*James Wilson: Founding Father, 1742-1798.*

By CHARLES PAGE SMITH. (Chapel Hill: The University of North Carolina Press. 1956. Pp. xii, 426. \$7.50.)

It is odd that James Wilson has had to wait more than a century and a half for adequate biographical treatment. A signer of the Declaration of Independence, a key politician in both Pennsylvania and the Continental Congress, one of the two or three vital figures in the Constitutional Convention, a legal theorist and Justice of the Supreme Court—such a man would seemingly have merited extensive eulogy by the ancestor collectors who dominated American historiography throughout most of the nineteenth century. His dubious financial enterprises and incredible career as a land speculator might even have earned him a place in the rogues' gallery of the debunkers. Yet Professor Smith has had a clear field, and one can risk the guess that his exhaustive labors have made it unlikely that the task will need doing again.

*James Wilson* is a fine book, written by a literate scholar who is obviously thoroughly at home in the period. Wilson was an extraordinarily complex person and lived in an age which defies simple analysis, but at long last he has received his due at the hands of a perceptive student of both. Smith has managed to weld the various facets of Wilson's personality into a coherent pattern and in so doing has supplied the reader with a crystal window onto the life of the time.

Professor Smith suggests that the reason for the long delay in memorializing Wilson

was the essentially off-beat character of this dour, brilliant Scot. "Jimmy de Caledonia," as the Pennsylvania anti-Federalists scornfully dubbed him, simply refused to be jammed into anyone's conceptual bed of Procrustes. The nationalist historians considered him a skeleton in the Federalist closet—a Founding Father and Supreme Court Justice who died in pathetic and ignominious flight from his creditors. The populist interpreters were likewise stymied: how could they fit into the aristocratic Federalist stereotype a man who advocated direct popular election of both the President and the Senate?

The book is particularly valuable on the strictly political activities of this extremely active, if not hyper-active, party stalwart. In contrast—and this is my only significant criticism of the work—the sections dealing with Wilson's legal and metaphysical efforts read as though they had been written in fits of absent-minded boredom. Chapters XXI and XXII, "The Nature of Law" and "Law and Society," are notable offenders on this score, and it is a tribute to the overall style of the biography that the reader finds himself shocked by the sudden deterioration. But despite all the incantations about "Scottish Realism" which Smith inserts, Wilson was, in my view, primarily a man of action, a fast, acute pragmatic reasoner. It is surely true that his Common Sense metaphysic supplied him with foundations for action that differed from those of, say, Hamilton or Jefferson, but I think this difference can be exaggerated, and certainly he was in his worst form when he

wandered into the rarefied realm of abstraction. Professor Smith has vividly recreated James Wilson, Man of Action; it seems probable to me that no one could blow real life into James Wilson, Abstract Thinker.—JOHN P. RACHE, *Brandeis University*.

*Energy and Society: The Relation Between Energy, Social Change and Economic Development.* By FRED COTTELL. (New York: McGraw-Hill Book Co., Inc. 1956. Pp. xix, 330. \$6.00.)

One of the great gaps in current political science literature and research involves the relationships of the physical sciences and technology to political values and processes. Whether this lacuna in knowledge is due to overspecialization in political science, to fears of concepts of scientific determinism, or to some other factors, not enough attention is being given to the social consequences of the physical aspects of man's living environment. Unfortunately, therefore, this pioneering volume which deals with perhaps the most basic of all physical processes, namely, energy, will not receive the study and recognition which it deserves by our profession.

In brief, this book is an examination of the impact of the growth and use of energy upon an evolving civilization and institutions. Its major thesis is that the extent to which man employs and converts the various forms of energy conditions the types of social and political organizations which are established. The transition from a low-energy-using society to a high-energy-using society is not inevitable, though, given the various circumstances under which energy is employed, it is possible to predict the kind of social arrangements which will be developed. The three major factors limiting any nation's energy-using capacity are deemed to be (1) natural resources and mechanical limitations, (2) excessive population pressures, and (3) non-responsive customs and ideologies.

What are the implications of increasing use of energy for a nation's political structure? In general, the author sees an enlargement and concentration of political power, an expansion of state functions together with the loss of local autonomy, greater controls over systems of production and distribution, more emphasis upon public administration, and shifts in the processes of political decision-making. On an international basis, he predicts that high-energy technology will produce regional systems or alliances rather than the single

international state since the former can more readily take advantage of energy development opportunities.

There are bound to be many rough spots and omissions in a work such as this, which breaks so much new ground and is so interdisciplinary in scope. This reviewer, for example, thought that the significance of coal *vis-à-vis* fissionable fuels is overplayed or, as another illustration, that too much weight is given to problems associated with the industrialization of agriculture in contemporary society. Also, in a number of instances the social and political aspects of physical processes were not fully developed. However, these are subordinate considerations when viewed within the context of the overall design of this volume. What is important is that political scientists be encouraged to comprehend the basic significance of this study, since technological trends indicate that increasingly in the future it will be upon works such as these that a meaningful system of political analysis will be built.—ERNEST A. ENGELBERT, *University of California (Los Angeles)*.

*The Growth of Papal Government in the Middle Ages: A Study in the Ideological Relations of Clerical to Lay Power.* By WALTER ULLMANN. (New York: Barnes and Noble, Inc. 1956. Pp. xviii, 482. \$8.00.)

In 1949 Dr. Walter Ullmann published *Medieval Papalism: The Political Theories of the Medieval Canonists*, in which he constructed the thesis that the medieval canonists were primarily responsible for the growth of "the theory of political omnipotence of the Pope as Boniface VIII propounded it in *Unam Sanctam*." In the volume now under review, Dr. Ullmann purports to trace the development of "papal-hierocratic" doctrine from the fourth century to its maturity prior to the canonists' juristic formulation of it in the mid-twelfth century. Both volumes give abundant evidence of the author's vast erudition and of his scholarly dedication to the recovery of the meaning and significance of medieval ideas and events as they were mutually related. The virtues of both volumes are unhappily marred by a defective methodology and a rigorist interpretation which seeks out a "unity of themes and a consistency of principles" in a period of medieval history when in fact there were no systematic, definitive, and precise statements of the ideological relations of clerical to lay power.

Dr. Ullmann posits at the start that govern-

ment achieves for society its proper end through the instrumentality of those functionally qualified. When, therefore, in the medieval period, roughly between Emperor Gratian and the Bolognese Monk Gratian, the State was neither actual nor even conceived as in the Graeco-Roman *politeia* or in the Aristotelian-Thomistic speculation, the nature and purpose of the Church, unchallenged, marked society with its supreme goal, eternal life, and, in accordance with its teleological principle, subordinated all exercise of temporal power to this singleness of purpose. Dr. Ullmann sees a vertical and coherent development from the premises of the Petrine commission and the vicariate of Christ, as with inevitable logic the implications of these divine empowerments are brought forth by the Gelasian conception of the superiority and universality of the spiritual power; by the Isidorian conception of the auxiliary role of the Christian prince for the implementation of Christian justice, as interpreted by the sacerdotally qualified; by the annexation of the Roman conception of *principatus* to the *sedes apostolica*; by the juristic involvements of the fabricated Donation of Constantine; and by the symbolism of substantive doctrinal content of the coronation ceremonies. All these themes conduce to the subordination of the *regia potestas*, wholly devoid of any autonomy, to the *auctoritas papalis*.

The architectonic structure of this dialectic is its very weakness. It rests upon some rather hazardous scaffoldings. The author presumes that expressions and premises of general reference were understood, and intended for application in the settlement of particular conflicting claims, in precisely the same sense and broad application as he understands them; and that the instances in which the role of the medieval ruler was judged by the ecclesiastics to be subordinate and auxiliary to the sacramental and magisterial jurisdiction of the Church provided exhaustive definitions of the entire purpose of temporal governance. Moreover, that the distinction of function, though subordinate, might not as well have argued for a temporal autonomy with purposes broader than those supposed by the author is a consideration not to be too lightly dispensed with. Finally, his reconstruction of fragmentary testimonies of claims and counter-claims, resolving an *ad hoc* conflict into systematic, coherent ideologies of papalist and imperialist positions, is more likely a modern projection into the past than medieval events

speaking for themselves. A. M. Stickler has put forth six directives for the discernment of the meaning of the decretalists which, I think, may rather profitably be heeded in the study of the pre-canonists ("*Sacerdotium et Regnum nel decretisti e primi decretalisti: considerazioni metodologiche di ricerca e testi*," *Salesianum*, XV, 1953, 572-612).

Dr. Ullmann has made a major contribution to medieval studies, not only because of his vast learning and dedicated purpose but more because his scholarship is directed to the establishment of theses that are at variance with those more commonly held. His present work will surely call for a re-examination of interpretations and a re-appraisal of the texts that were vibrantly part of the complex events of medieval Christendom. It may well be that his theses will not prevail, for want of a sound methodology.—JOSEPH F. COSTANZO, S. J., *Fordham University*.

*Studies in Hindu Political Thought and Its Metaphysical Foundations.* BY VISHWANATH PRASAD VARMA. (Banaras: Motilal Banarsidass. 1954? Pp. ii, 218. Rs 15/-.)

There is very little political thought in India in the Western sense of the term. Indian political theory is an integral part of the totality of Hindu philosophy. Man's principal goal in life, according to Hindu philosophy, is to achieve Moksha (freedom) from worldly bonds and toil by following the dictates of Dharma (supreme law). The State is considered to be the handiwork of Dharma and thereby serves as a means toward the realization of Moksha. Thus in the political scheme of things it is spiritual aspirations that predominate.

However, in an apparent effort to match Hindu traditions with those of the West, many Indian scholars seem to have overlooked these factors in assessing the importance of their political heritage. As a consequence, Indian scholarship in political theory has, with few exceptions, suffered from one or more of these defects: reading Western concepts into ancient Hindu texts; using Anglo-Saxon nomenclature to discuss Indian ideals and institutions; mistaking speculative materials for historical data; and neglecting contextual integrity while quoting from classics to substantiate the existence of modern concepts in primitive India.

It is a chief merit of Dr. Varma's book that it avoids the above pitfalls and pursues the subject matter in a spirit of scientific inquiry,

free from propensities of national or cultural pride. In this scholarly treatise, a doctoral thesis for the University of Chicago, Dr. Varma describes and evaluates Indian political thought from the Rig-Veda (ca. 1500 B.C.) to the Manusmriti (ca. 100 B.C.) in terms of its origins and development, its nature, scope and significance.

In the first chapter, the author examines the historical origins and foundations of Hindu political philosophy. The political institutions of kingship, republicanism, Samiti (people's assembly) and Sabha (assembly of elders) are discussed in relation to the social structure. Along with theories of economic and racial origin of caste, note is taken of the mythical account of caste's inception showing how with the immolation of the god Purusha, his mouth became transformed into a priest, his arms into a warrior, his thighs into a husbandman, and his feet into a servant. However, the author fails to state that this Rig-Vedic hymn about Purusha has little to do with the creation of caste as such. The hymn is, in fact, a symbolical statement about the creation of the universe, since it also states that the sun emerged from Purusha's eyes, the moon from his mind, the sky from his head, fire (like the priest) from his mouth, earth (like the servant) from his feet, and breath and space from his ears.

An analysis of the fundamental concepts of Hindu political theory, e.g., Artha (wealth), Danda (punishment), Brahma (the Absolute), Kshatra (ruling power), Bala (material power), and Shakti (primal energy), is given in the second chapter. Dharma, "the most comprehensive concept in the entire history of Hindu thought," receives a thorough treatment in chapter three. The author takes issue with the view advanced by many Indian scholars, including Sarvepalli Radhakrishnan, that Dharma was sovereign in Indian polity. He points out that despite a universal acceptance of the supremacy of the doctrine, there was no legal agency to prevent breaches of Dharma by the ruler. In this connection, the author's commentary on the political philosophy of the Bhagavad Gita is keen and provocative, but it does not justify his claim that such an analysis is rendered for "the first time."

The theories of kingship by election and by divine right are discussed in great detail in chapters four and five. Despite the existence of republican forms of government, the author rightly contends, Indian political theories were mostly concerned with the institution of mon-

archy. The doctrine of Karma (determination of the fortunes of man's life on the basis of his conduct and deeds in previous incarnations) receives a rather generous interpretation. The author seems to discount the fatalistic facets of Karma in favor of its ethical merits.

In the last three pages of the book, Dr. Varma summarizes his conclusions, which, considering the nature of the work, are far from adequate. The primacy of spiritual values over political objectives, the author concludes, prevented the rise of such issues as the individual *versus* the State, politics *versus* ethics, and the ruler's responsibility to the people. Nevertheless, he asserts that "there is a fundamental spiritual and moral note in Hindu thought which is surpassing in its proclamation of the sacred character of the individual human personality. This emphasis on spirituality and morality in Hindu political thought is a great contribution to world political thought."

Dr. Varma has written a scholarly book on an important subject. The diligence and minuteness with which he has treated his subject are commendable. However, in his zeal for detail and documentation, he has made the book exceptionally turgid and dry. Swarms of Sanskrit quotations without translation would be hardly welcome to scholars not versed in the epic language. Besides, one wishes that the author had attached a bibliography for the benefit of the reader. With these reservations, Dr. Varma's work has all the earmarks of sound scholarship.—CHATTAR SINGH SAMRA, *University of California (Berkeley)*.

*The Self and the Dramas of History.* BY REINHOLD NIEBUHR. (New York: Charles Scribner's Sons. 1955. Pp. ix, 242. \$3.75.)

This book is basically a theological treatise in which Niebuhr stresses the three dialogues in which the Self finds itself involved. The first is the empirical fact of the dialogue of the Self with itself, the second the Self's dialogue with its neighbors, and the third the seemingly empirically unverifiable dialogue of the Self with God. In the latter situation, the insight given by Biblical faith gives some hope of man's ability to grasp the "realm of mystery beyond rational comprehension" and in this way synthesize for life a meaning which cannot be found in the partialness of the observed historic dramas of everyday existence. The political theorist will find much of interest in this book: notably Niebuhr's emphasis on the Reformation's restoration of the Biblical mode of thought as against the Renaissance distilla-

tion of classic elements out of the medieval synthesis with a consequent emphasis on reason as the sole key to understanding human problems and personality. The effect of this latter development on the formulations both of Hobbes and the philosophers of the Enlightenment, and ultimately even upon Marx as traced out by the author, makes provocative reading. Part III of the book, which relates the Christian faith to contemporary problems of democracy, property, justice, and the international community, reiterates the approach developed and expounded by Niebuhr in his previous works. Here the political theorist will again find much of interest and value. The general tone of this work places Niebuhr firmly in the camp of Conservatism with a capital C, in Rossiter's use of the term, and should definitely refute those liberals who claim Niebuhr as their own. The toughness of Niebuhr's style makes the book slow and difficult reading, but the compensations derived from it in the form of philosophical insight and tightness of analysis far outweigh the labor involved in its perusal and mastery. —H. MALCOLM MACDONALD, *University of Texas*.

*Modern German Political Theory*. By OTTO BUTZ. (Garden City, N. Y.: Doubleday & Co., Inc. 1955. Pp. 72. \$ .95.)

This is a new title in the *Short Studies in Political Science* published by Doubleday. The author views the study of political theory as one of the most rewarding techniques for understanding the decision-making processes and related social aspects of any society. He therefore hopes in his present work to introduce the reader to the leading political theorists of Germany since 1870 and thereby reveal the basic problems and limitations conditioning the present status and the future potential of the West German Republic. After sketching the historical background of modern German political theory, the author presents his analysis under three headings: the political theory of Imperial Germany, characterized by *Staatsrechtswissenschaft*, *Reichsstaat*, and *Sozialpolitik* modified by the introduction of empiricism via Treitschke, Gierke, and Schmidt; the development of political ideas under the Weimar regime, marked by the rejection, in part, of the Imperial tradition and the introduction of contributions from political geography, sociology, and jurisprudence, plus the appearance of "true" political theory in the writings of Grabowsky and Heller; and, lastly,

the intrusion of the Nazi ideology in the form of *Volksgemeinschaft*, the *Führerprinzip*, and the concept of *Staatsräson*. A brief statement on the future of German political theory concludes the study. Although brief in form, the work is a usable introduction to German thought and problems and provides a foundation for further specialized research. German political ideas have, with the exception of the Nazi period, been somewhat neglected in most undergraduate courses in American universities, and Professor Butz's monograph, it is hoped, may start a reversal of that trend.

*Being and Nothingness: An Essay on Phenomenological Ontology*. By JEAN PAUL SARTRE. TRANSLATED AND WITH AN INTRODUCTION BY HAZEL E. BARNES. (New York: Philosophical Library. 1956. Pp. lxix, 638. \$10.00.)

This is the long overdue translation of Sartre's systematic exposition of the foundations of Existentialism, *L'Être et le Néant*, which first appeared in France in 1943. The translation, though drier and more pedantic than the original (Is it possible to present Existentialism in English at all? Doesn't this kind of philosophy rely almost entirely on peculiar connotations of French or German?), is as faithful as it can be made. The translator has also corrected the errors of the French text and has provided occasional footnotes to elucidate her rendering of some of the more difficult expressions. Her introduction, though sound, is not likely to shed much light on the vagaries of Sartre's philosophy or to make easier for the uninitiated reader what he will find in the body of the book.

*Concept of Freedom*. EDITED BY REV. CARL W. GRINDEL. (Chicago: Henry Regnery Co. 1955. Pp. xii, 513. \$10.00.)

In this thoughtful and provocative work, fifteen members of the faculty of St. John's University, New York, attempt an analysis of the fundamental nature of freedom and its relation to contemporary problems. The analysis is basically an Aristotelian-Thomistic one and formulated within the limitations of Roman Catholic assumptions. Each of the essays is a unit in itself; collectively they treat of the metaphysics and philosophy of freedom and its relation to government, law, economics, labor, education, aesthetics, and religion. The *leitmotif* of the work is that freedom truly conceived is freedom under God.

*Power and Community.* By ROBERT STRAUSS-HUPÉ. (New York: Frederick A. Praeger. 1956. Pp. 134. \$3.00.)

In this work Professor Strauss-Hupé presents a series of essays on the problem of power in the modern world. Specific chapters relate power to personality, history, science, the community, and security. While admitting the importance, indeed the dominance, of power motives in contemporary society, the author declines to admit the contentions of Russell, Lasswell, and Morgenthau that power is the key to history. There are for the author other explanations of history, among them the desire for dignity and freedom and the preservation of human liberty. Power is justified only when it is subordinated to these ends, and the challenge to modern man is to legitimize power by making it not an end in itself but a means for the attainment of more righteous and worthy goals.

*The Bourgeoisie in 18th Century France.* By ELINOR G. BARBER. (Princeton: Princeton University Press. 1955. Pp. x, 165. \$3.50.)

A historical-sociological study of the religious, economic, social, and political attitudes and practices of the eighteenth-century French bourgeoisie. The author maintains that the bourgeoisie did not constitute a revolutionary class bent on destroying the Old Regime but only slowly became antagonistic to the *status quo*.

*Democracy and Dictatorship: Their Psychology and Patterns of Life.* By ZEVEDEI BARBU. (New York: Grove Press. 1956. Pp. viii, 275. \$3.50.)

This work, by a Roumanian intellectual and diplomat now Lecturer in Social Psychology at the University of Glasgow, is an able and stimulating psychological analysis of the life patterns of democracy and dictatorship. The democratic way of life is expressed in a socio-cultural complex in which confidence in reason, belief in human personality, and the presence of change compatible with security are predominant. Nazism develops out of insecurity, conditions of stress, and a loss of confidence in rationalism; it seeks compensation in mass identification and *Gleichschaltung*. Communism follows much the same pattern, with the element of irrationalism tending to outweigh that of emotionalism. The author's analysis of the impact of the human mind on the historic process and his discussion of the role of personality in history are of special interest. The book was originally published in England as one of the titles in the *Inter-*

*national Library of Sociology and Social Reconstruction.*

*Socialism and the Individual.* By WILLIAM ANGUS SINCLAIR. (New York: Oxford University Press. 1956. Pp. 168. \$2.50.)

William Angus Sinclair was at the time of his death Reader in Philosophy at Edinburgh University. The book is an explanation of his abandonment of the Conservative Party in 1945 and a defense of the program and future of the Labor Party as he sees it. It may be read with profit by Americans interested in the intellectual reassessments going on in certain circles in Britain today.

*A John LaFarge Reader.* EDITED BY THURSTON N. DAVIS, S. J., AND JOSEPH SMALL, S. J.. (New York: The America Press. 1956. Pp. xiv, 272. \$3.50.)

The volume contains three dozen articles and editorials by the former editor of the Jesuit weekly *America*. Father LaFarge has been a leading fighter for interracial justice and an opponent of isolationism. Topics include, *inter alia*, "Franco-American Understanding," "War Aid to Russia," and "The Basis of Interracial Peace."

*At the Feet of Mahatma Gandhi.* By DR. RAJENDRA PRASAD. (New York: Philosophical Library. 1955. Pp. vii, 350. \$6.00.)

A highly personal account by the President of India of three decades of social and political struggle, first written in Hindi in 1950 from what the author "felt and remembered" of his association with Gandhi. It permits the reader to follow the evolution of Gandhi's philosophy and method and contributes valuable insight into the nature of Gandhi's leadership and the character of the Indian response.

*Historical Atlas.* By WILLIAM R. SHEPHERD. (New York: Barnes & Noble, Inc. 1956. 8th ed. Pp. xii, 226, 115. \$12.50.)

Those who have regretted the long unavailability of Shepherd's *Historical Atlas* will welcome the new edition, which contains all the maps of the 7th revised and enlarged edition (1929) plus eight maps for the period since 1929, prepared by C. S. Hammond and Company. Since the original plates had been destroyed, the Shepherd maps have been reproduced—very successfully—by offset lithography. As in the 7th edition, the treatment of post-World War I history is somewhat disappointing; but as a whole the atlas still far surpasses its competitors.

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- SINCLAIR, KEITH. *Imperial Federation: A Study of New Zealand Policy and Opinion, 1880-1914. Commonwealth Papers, No. II*. New York: John De Graff, Inc. 1956. Pp. 51. \$1.00.
- TAYLOR, GEORGE ROGERS AND NEU, IRENE D. *The American Railroad Network, 1861-1890*. Cambridge, Mass.: Harvard University Press. 1956. Pp. viii, 113. \$3.75.
- TOKAIEV, G. A. *Soviet Imperialism*. New York: Philosophical Library, Inc. 1956. Pp. 73. \$2.75.
- YESSELSON, ABRAHAM. *United States-Persian Diplomatic Relations, 1883-1921*. New Brunswick, N. J.: Rutgers University Press. 1956. Pp. ix, 252. \$5.00.

## NEWS AND NOTES

### PROFESSIONAL CONFERENCES

#### INFORMATION ON THE 1957 PROGRAM

The Program Committee for the 1957 Annual Meeting met at the Association's National Office in Washington on October 26th and chose as a general theme: "The Shifting Balance of Political Power: National and International Problems." Any member of the Association desiring to participate in the program either by giving a paper or as a listed discussant is cordially invited to communicate with the Committee member in charge of panels in his area of interest. Committee members and their sections are:

Austin Ranney, University of Illinois—Chairman.

Joseph LaPalombara, Michigan State University—Comparative Government.

Roland Young, Northwestern University—National Government.

Robert J. Harris, Vanderbilt University—Constitutional Law.

Warren E. Miller, University of Michigan—Political Behavior.

Kenneth W. Thompson, The Rockefeller Foundation—International Law and Relations.

Herbert Kaufman, Yale University—State and Local Government (address: 155 E. Mosholu Parkway North, New York 67, N. Y.).

Samuel Eldersveld, University of Michigan—Political Parties.

Norman Wengert, University of Maryland—Public Administration.

Herbert Deane, Columbia University—Political Theory.

#### *Fifty-second Annual Meeting of the American Political Science Association: Minutes of the Council Meeting*

The Council of The American Political Science Association met at 9:30 A.M., September 5, 1956 at the Hotel Statler, Washington, D. C., with President Harold D. Lasswell in the chair. The following officers and members of the Council were present: Gabriel A. Almond, Stephen K. Bailey, James M. Burns, Gwendolen M. Carter, Weldon Cooper, Paul T. David, Samuel J. Eldersveld, Wilson Gaddis, Claude E. Hawley, Norman L. Hill, Thomas P. Jenkin, Max M. Kampelman, Evron M. Kirkpatrick, Earl Latham, Harold D. Lasswell, Avery Leiserson, Leslie M. Lipson, Harvey C. Mansfield, Louise Overacker, Norman Palmer, Emmette S. Redford, Charles B. Robson, E. E. Schattschneider.

Also present at the Council Meeting were the new nominees for the Council, for Vice President, and President Elect, as well as the

following past Presidents of the Association: Francis Coker, Pendleton Herring, Arthur W. Macmahon, and Quincy Wright.

The Chairman of the Program Committee, Earl Latham, reported for the Committee. He called particular attention to two innovations in the work of the Committee: (1) the Committee held a meeting in Washington, D. C. in October 1955 and (2) the program was organized around a central theme, namely: commemoration of the Woodrow Wilson Centennial. He recommended that the practice of holding a meeting of the Committee be continued and strongly urged that the next year's Committee explore the possibility of a central theme for the 1957 program. The Council accepted the report and unanimously adopted a resolution commending and thanking the Program Committee for its excellent work on the 1956 program.

The Managing Editor of THE AMERICAN POLITICAL SCIENCE REVIEW, Harvey C. Mansfield, read his report, copies of which were distributed to members of the Council. Mr. Mans-

field, in his report as Managing Editor, expressed appreciation to his predecessor, Hugh Elsbree, for seeing the publication of the Review through the June issue and to Emmette Redford for carrying on the Book Review section through that issue. Mr. Mansfield summarized Review problems as follows: (1) the quarterly can operate on substantially its present financing only by a large measure of decentralization of responsibilities and cooperation of individuals and institutions; (2) the volume of manuscripts is so heavy that it poses many editorial problems, principally those of determining the most promising of the borderline possibilities, soliciting some manuscripts, and calling on many colleagues to help out as readers. He closed his report by moving that the following persons be appointed to the Board of Editors for the coming year: Wallace S. Sayre and Samuel H. Beer, Associate Editors, and Hugh Elsbree, Edgar S. Furniss, Jr., Alexander Heard, Victor L. Jones, and Leo Strauss. Miss Carter seconded the motion and the report was approved unanimously.

The Chairman of the Nominating Committee, Benjamin E. Lippincott, read his report, copies of which were distributed to members of the Council. He emphasized the following points: (1) that essentially the same procedures were followed as in the past, including invitations to individual members of the Association, Regional and District Associations' past Presidents, and Departments of Political Science to suggest names; (2) that the criteria used, particularly with respect to the President and the Vice Presidents, were scholarship and contributions to the Association's work; and also, with regard to the Council, geographical spread, fields of specialization and attention to the smaller colleges; (3) that for the third consecutive year an organized campaign for a particular nominee for President Elect was conducted; despite the appearance of this form of "pressure" the Committee gave full consideration to this nominee's qualifications, noting that, while there is no constitutional objection to such a campaign, the Committee felt that spontaneous suggestions were more impressive than organized ones; (4) that the Committee had proved to its own satisfaction that a meeting of the Committee prior to balloting was most beneficial, since it brought about a greater pooling of knowledge than could be accomplished by correspondence, avoided "mathematical accident," facilitated balance in distribution of offices according to geography and fields, and saved time; (5) that

a mail ballot was considered but was not recommended, for several reasons, including the criteria mentioned in (2) above, and the desirability of charging one group with the responsibility of studying and locating especially well qualified candidates suggested by the membership; (6) that present procedures be improved by giving more prominence in the Review to the Nominating Committee's request for suggestions from individual members and departments; furnishing the Chairman of the Committee with a list of departmental chairmen (in order to suggest to them personally that their departments submit nominations collectively, or as individuals); maintaining in the national office and supplying to the incoming chairman each year a list of Association offices held by members during the past 25 years, and maintaining an alphabetical appendix at the end of each Directory of all past officers, including their offices and dates of incumbency.

Mr. Lippincott reported that the Committee had unanimously agreed on the following nominees as officers of the Association for 1956-57: President Elect: V. O. Key (Harvard University); Vice Presidents: Carl Brent Swisher (The Johns Hopkins University), Wilfred Binkley (Ohio Northern University), Albert Lepawsky (University of California, Berkeley); Secretary: Gladys Kammerer (University of Kentucky); Treasurer: Max M. Kampelman (Washington, D. C.); Council: William T. R. Fox (Columbia University), Ruth Weintraub (Hunter College), John D. Lewis (Oberlin College), Thomas Eliot (Washington University, St. Louis), Alexander Heard (University of North Carolina), York Willbern (University of Alabama), Allan Saunders (University of Hawaii), Christian Larsen (Sacramento State College). Mr. Almond moved and Mr. Hawley seconded acceptance of the report. The motion was carried unanimously.

Treasurer Max M. Kampelman summarized briefly the information contained in the auditor's report, copies of which were distributed to members of the Council. Mr. Kampelman noted particularly that expenses were over \$3,000 less than the 1956 budget adopted at the Boulder Annual Meeting in 1955 and income was over \$4,500 more than the amount provided for in that budget. The result of operations in 1955-56, therefore, is that a budgeted deficit of more than \$4,000 was turned into a surplus of \$3,635.37. The Treasurer also called attention to the auditor's report of

recent defalcations by the bookkeeper of the the Association, which will be recovered from the bonding company. The Executive Director explained the conditions of the loss and its discovery in detail and asked for the advice of the Council on future action. Following the discussion, Mr. Bailey moved that the Council express their confidence in the Executive Director and authorize him to proceed to protect the Association's interests humanely. Miss Carter seconded the motion and it was approved unanimously.

The Executive Director reviewed the work of the National Office during the year 1955-56. He reported that the membership was now over 6,000, explained the present status of the program of Awards to Journalists in the 12 midwestern states for excellent reporting of state and local public affairs, discussed the relationships of the Association with the Foundations, reviewed the work of various committees, explained the operation of the Personnel Placement Service and reported on proposed revisions of procedures, and reviewed the Congressional Fellowship program. He then called attention to the Minutes of Executive Committee meetings held during the year, copies of which had been distributed to the Council, and reviewed briefly the major items contained therein. After brief discussion of some items of the report, Mr. Almond moved and Mr. Hawley seconded a motion to accept the report. The Council approved unanimously.

President Lasswell reported the recommendation of the Executive Committee that Mr. Gabriel Almond be elected as a representative of the Association on the Board of Directors of the Social Science Research Council. On a motion of Mr. Redford, seconded by Mr. Robson, the recommendation was unanimously approved by the Council.

The Executive Director reported discussion with Banta Publishing Company about the continued storage of back issues of the REVIEW. After discussion, on motion by Mr. Leiserson, seconded by Mr. Almond, the Executive Director was instructed by unanimous vote to ask Banta to continue their present policy of storing back issues; any new policy on this matter is to be cleared with the Executive Committee.

The Executive Director outlined the proposal for publication of a Wilson memorial volume based on the papers delivered at the Annual Meeting. On motion of Mr. Almond, seconded by Mr. Lipson, the Council approved the proposal in principle, with Mr.

Latham as editor. The Executive Committee was authorized to make the final determination on the basis of a plan to be presented to it after further exploration by Mr. Latham and the Executive Director.

Mr. Lasswell reviewed discussions with the Governmental Affairs Institute during the year concerning its relations with the APSA. The minutes of the Executive Committee report fully on these discussions and their results. A committee of the Association composed of Messrs. Latham, Kirkpatrick and Lasswell, and a committee of GAI composed of Messrs. Litchfield, Gulick and Pollock, had agreed that the best solution of the relationship between the two organizations would be (1) to establish formally that they are separate, independent organizations and that neither has any dependence on or control over the other; and (2) to enter into a formal contract governing the use of the Political Science Building. Both points were approved by the Executive Committee. Copies of the exchange of letters between Messrs. Litchfield and Lasswell relating to point (1) and of the contract relating to the building were included in materials furnished to the Council. After reviewing the minutes, examining the letters and contract, and having a brief discussion, Mr. Leiserson moved and Mr. Cooper seconded acceptance of the Lasswell report and the recommendations of the Executive Committee. The motion was approved unanimously.

Mr. Lasswell reported that the Executive Committee during the year had discussed an overall program for the Association and called on the Executive Director to outline briefly the highlights of the draft of this program statement that had been supplied to the Council. Mr. Kirkpatrick reviewed the program statement which attempts to set up categories that will include the various activities of the Association. These categories are: Basic Professional and Liberal Education, Continuing Professional Education, Basic Civic Education, Continuing Civic Education, Consultation, Publications, Informed Civic Judgment and Effective Civic Action. He then discussed the various ongoing and proposed programs that fit into these categories: the Self Survey, Congressional Fellowship Program, Awards to Journalists, Facilitation of Exchange Professorships, Continuing Conferences, Regional Seminars, and Monograph Series.

After brief discussion, it was moved by Mr. Burns and seconded by Mr. Almond that the Council accept the report and authorize fur-

ther exploration of the proposed projects by the Executive Director and Executive Committee. The motion carried unanimously.

The Executive Director outlined a project proposed by Mr. Pollock, President of the International Political Science Association, to request funds from a foundation to support the travel of representatives from various social science fields to the meetings of their respective International Associations. Mr. Kirkpatrick reported on conversations with the other social science organizations—all of which had approved the submission of a joint proposal by The American Political Science Association. Mr. Palmer moved and Miss Carter seconded acceptance of the report and authorization for the Executive Director to proceed in cooperation with Mr. Pollock to submit a proposal for foundation support. The motion was approved unanimously.

Mr. David presented the following two resolutions for consideration by the Council:

DRAFT RESOLUTION ON PRINTING THE  
PROCEEDINGS OF THE NATIONAL  
PARTY CONVENTIONS

*Whereas*, the printing of the proceedings of the national party conventions has been greatly delayed in recent years, the proceedings of the Republican National Convention of 1952 not having appeared until the following year, and those of the Democratic National Convention not having appeared until 1954, and

*Whereas*, the proceedings have been distributed in limited editions only, in part because of Hatch Act difficulties, real or alleged; have often gone out of print while still in demand; and have frequently been difficult to obtain through any orderly procedure, and

*Whereas*, the verbatim record of the debates and votes of the national party conventions constitutes documentary material that is greatly needed for voting analysis, research, and reference purposes by the members of The American Political Science Association and by other students of politics and political parties,

**BE IT RESOLVED**, that the National Committees of the Democratic and Republican Parties are hereby urged and requested to publish the proceedings of the national party conventions of 1956 with all possible speed, and

**BE IT FURTHER RESOLVED**, that the appropriate Congressional authorities are urged and requested to reprint the 1956 proceedings of the two national party conventions as a

public document for general distribution as soon as possible.

DRAFT RESOLUTION ON THE NEED FOR  
IMPROVED FACILITIES FOR RESEARCH  
AT THE NATIONAL PARTY  
CONVENTIONS

*Whereas*, with the growing size and increasing congestion of the national party conventions, the opportunities for observation and research by professional political scientists and historians have become more and more unsatisfactory, with many difficulties in securing access even to those parts of the proceedings that are supposed to take place in public,

**BE IT RESOLVED**, that the Democratic and Republican Parties be urged and requested, when making arrangements for future national party conventions, to make an appropriate allocation of the available facilities for observing and reporting on the conventions, to be assigned to such professional political scientists and historians as may wish to come to the conventions for purposes of scholarly research, leading to book and other publication under responsible academic and professional auspices.

On motion by Mr. Eldersveld and second by Miss Carter the resolutions were unanimously approved and Mr. David was requested to prepare final drafts for submission to the Business Meeting.

The Executive Director raised the question of publishing a new Directory. After some discussion indicating general approval of publication of a new Directory of 1958, Mr. Bailey moved and Miss Carter seconded a resolution that the Executive Director prepare a financial report on the 1953 Directory, explore the costs of printing a new Directory, and submit this information to the Executive Committee for final decision.

Mr. Lasswell called on Mr. Palmer to summarize the memorandum he had prepared and distributed to Council members relating to the responsibilities of the Council and its participation in governing the Association. Mr. Palmer briefly outlined his views that the Council should play a larger and more important role in the Association. The Executive Director supported Mr. Palmer's views and expressed his desire to take whatever action he can to achieve this end. Mr. Lasswell and Mr. Schattschneider expressed accord. There was general discussion by the Council and a number of constructive suggestions for keeping the Council better informed, for utilizing the Council more

effectively, and for improving Council meetings. At the end of the discussion, on motion of Mr. Burns and second by Miss Overacker, the Council unanimously approved a vote of confidence in and appreciation of the Executive Director for his handling of Association affairs and, at the same time, expressed the view that every effort should be made to improve the flow of information to the Council and to make effective use of its advice and guidance.

Mr. Lasswell raised the question of location of the 1958 meeting. After general discussion, Mr. Bailey moved and Mr. Almond seconded a motion to have the 1958 meeting in the Midwest and to leave the decision as to the specificity to the Executive Committee. The motion was unanimously approved.

Mr. Lasswell called on the Executive Director to review the budget proposal for 1956-57, copies of which had been distributed to the Council. Mr. Kirkpatrick reviewed the financial situation briefly and explained the 1956-57 proposals. Mr. Bailey moved and Mr. Hawley seconded acceptance of the proposed 1956-57 budget with the understanding that shifts can be made in items by the Executive Director with the approval of the Executive Committee. The Council approved unanimously.

Mr. Bailey moved and Mr. Hawley seconded a unanimous vote of thanks to the Stern Family Fund for its generous support of the Association and the Congressional Fellowship program in 1955-56.

Mr. Almond moved and Mr. Burns seconded a vote of thanks to Father James B. Horgan of Georgetown University, Chairman, and the members of the Local Arrangements Committee for their fine work in arranging the 1956 Annual Meeting.

Mr. Lasswell adjourned the meeting at 6:15 P.M.

### *Minutes of the Annual Business Meeting*

The Annual Business Meeting of The American Political Science Association was held at 4:30 P.M., Friday, September 7, 1956 in the

Presidential Ballroom of the Hotel Statler, Washington, D. C. The meeting was called to order by President Harold D. Lasswell, who made a brief report on the activities of the Association during the preceding year.

Mr. Mansfield, Secretary of the Association, summarized the decisions taken by the Council at its meeting of September 5, 1956 and read the two resolutions the Council had authorized Mr. David to prepare (for the texts, see the Council Minutes). The report of the Secretary and the two resolutions, were approved unanimously.

Mr. Latham, Chairman of the Program Committee for the 1956 Annual Meeting, reported on the activities of the Committee. The two most important innovations in the work in 1956 were (1) the meeting of the Program Committee and (2) building the program around a central theme. He recommended that both be continued next year. At the conclusion of the report, a resolution thanking the Program Committee for its excellent work was adopted unanimously.

Mr. Kampelman, Treasurer, presented the financial report for the fiscal year ending July 31, 1956. Mr. Kampelman noted particularly that the Association had completed the fiscal year with income exceeding expenditures and that the auditor's report showed the financial affairs of the Association to be in sound condition. The Business Meeting voted unanimous approval of the Treasurer's report.

Mr. Lippincott, Chairman of the Nominating Committee, gave a brief report on the work of the Committee. He then presented the Committee's unanimous nominations for the offices of the Association for 1956-57, as previously reported to the Council (for the names, see the Council Minutes). The Business Meeting voted unanimous approval of the Committee's slate.

The President asked the new President Elect, Mr. Key, to come to the platform, and then turned the gavel over to the incoming President, Mr. Schattschneider.

President Schattschneider adjourned the Business Meeting at 5:45 P.M.

## OTHER ACTIVITIES

### *Regional and Topical*

The annual meeting of the Iowa Conference of Political Scientists was held on the campus of Grinnell College on April 28, 1956. The speaker for the morning session was President

Charles J. Turek of Macalester College who spoke on the "Aims and Achievements of UNESCO." The speaker at the noon luncheon was Clark M. Eichelberger, executive director of the American Association for the United Nations, who spoke on the subject of "Great

Issues Facing the United Nations." The afternoon session heard state senators William C. Molison of Grinnell and George E. O'Malley of Des Moines speak on the "Issues Before the Iowa 57th General Assembly." Kirk Porter of the State University of Iowa was elected president. George B. Telford of Drake University was reelected secretary.

The 14th Annual Institute on World Affairs was held at San Diego State College, August 6-24, under the direction of professors Minos D. Generales and Ned V. Joy. The theme was "20th Century Realities in International Relations—New Dimensions in the Quest for Peace."

Among the speakers who appeared were: Currin Vance Shields, professor of political science, University of California at Los Angeles; James Avery Joyce, British author, barrister, economist, and educator; C. Easton Rothwell, director, The Hoover Library on War, Revolution and Peace; Kenneth T. Young, director, Office of Southeast Asian Affairs, United States Department of State; Benton W. Decker, R. Adm., Ret., U.S.N.; Albert Hutler, executive director, United Jewish Fund of San Diego; Robert Neumann, professor of political science, University of California at Los Angeles; Richard Richards, Democratic candidate for United States senator from California; L. Vincent Padgett, assistant professor of political science, San Diego State College; and diplomatic representatives from Iran, Indonesia, Belgium, Iraq, Israel, Greece, Turkey, Great Britain, France, Japan, Germany and India.

The 23rd Congress of the International Federation for Housing and Town Planning, held in Vienna, July 22 to 28, drew more than 900 registered participants from 36 countries. The theme of the Congress was "The City and its Surroundings."

Exhibits based on the Congress' theme were shown by 21 countries. The Puerto Rican Planning Board and Massachusetts Institute of Technology represented the U.S.

The International Challenge Cup for films, offered by the City of Vienna, was won by "It Can Be Done," prepared by the University of Pennsylvania for the International Cooperation Administration.

It was voted to hold the 25th Congress in Puerto Rico in 1960, on invitation of Rafael Pico, Secretary of the Treasury of the Commonwealth. This will be the first Congress in the western hemisphere since 1938. The 24th

Congress will be in Liège, Belgium, in 1958; the theme being "Regional Man."

Erik Rolfsen, town planner of Oslo, was re-elected president. Dennis O'Harrow of the American Society of Planning Officials was re-elected to the executive committee; Candido Oliveras, chairman of the Puerto Rico Planning Board, was elected to succeed Rafael Pico.

Pi Sigma Alpha, national political science honor society (81 chapters), held its biennial convention in Washington on September 6. Officers elected are: Franklin L. Burdette, University of Maryland, president; Cullen B. Gosnell, Emory University, vice president; and Don L. Bowen, American Society for Public Administration, secretary-treasurer. Members of the executive committee elected are: Mona Fletcher, Kent State University; Charles W. Shull, Wayne University and Rita W. Nealon, New York University. The Annual Essay Contest prize of \$100 was awarded to Gertrud H. Bauer of American University.

The District of Columbia Political Science Association (DCPSA) held its fifth meeting of the current year in the Hall of Government, George Washington University, October 8, 1956. "The Place of Polls and Election Forecasts in Political Campaigns" was the topic; the panel consisted of Stuart A. Rice, Economic Consultant; Floyd E. McCaffree, Director of Research, Republican National Committee; John Sharon, Assistant to Gov. Stevenson; Louis H. Bean, author of *How to Predict Elections*.

The Woodrow Wilson Department of Foreign Affairs at the University of Virginia held a conference on "The Principle of Self-determination in the Modern World" as part of the Woodrow Wilson Centennial Celebration on November 29 and 30, 1956. Scheduled speakers included Philip Jessup and Vernon McKay.

The Graduate School of Boston University has begun a new program of graduate study and research on the metropolitan community.

The department of political science at the University of California, Berkeley, has established an undergraduate honors program designed to provide for superior students some of the advantages of the small liberal arts colleges without sacrificing the special resources of the university. The first group of honors students is under the direction of Victor Jones and G. Leslie McConnell.

A School of International Studies has been started in New Delhi, affiliated with the University of Delhi. It will prepare students for the Ph.D. degree either of the Delhi University or of any other university in the world.

The School specializes in the following areas:

- (a) East Asian History and Institutions (covering China, Japan and Korea).
- (b) Southeast Asian History and Institutions (covering countries from Burma to Philippines).
- (c) South Asia (India, Pakistan, Nepal and Ceylon).
- (d) West Asian History and Institutions (Afghanistan to Israel as well as Arab-Africa).
- (e) American History and Institutions.
- (f) International Economics.

Fuller information may be obtained from Dr. A. Appadorai, Director, I.S.I.S., Sapru House, Barakhamba Road, New Delhi.

A new periodical, the *Free World Review*, P.O. Box 1254, New York 8, New York, has recently published its first issue. According to the editors, Stephen Sisu and Z. Michael Szaz, its aim is "to contribute to the understanding of the complex issues of international politics by emphasizing the need for unity among free nations, and the need for the preservation of Christian and humanist traditions against the challenge of Communist totalitarianism."

The Field Politics Center at Goucher College, aided by a grant from the Maurice and Laura Falk Foundation, is expanding its research function into the peripheral areas of campaign politics, examining the use and effect of campaign gadgetry, songs, and slogans in 19th and 20th century America.

Funds have been made available to facilitate the travel of American specialists in the Soviet and East Central European fields to the area of their professional interest. Limited travel grants will be made for the purpose of strengthening the core of fully-trained, linguistically competent Soviet and East Central European specialists now teaching in universities and colleges throughout the United States and Canada. Scholars interested in traveling to the area of their specialization should apply as soon as possible to Professor William B. Edgerton, chairman of the Inter-University Committee on Travel Grants, 429 West 117th Street, New York 27, New York.

The Ford Foundation has made a five year grant of \$975,000 to the Citizenship Clearing House, affiliated with the Law Center of New York University, to support a program of encouraging active participation by college men and women in the party of their choice. The bulk of the grant will be expended through the 24 state and regional affiliates located at leading colleges and universities throughout the country. George H. Williams of the law faculty of New York University is director of the Clearing House. Rhoten A. Smith of the University of Kansas served as associate director during 1955-1956, and Professor Ivan Hinderaker of the University of California at Los Angeles will serve as associate director during 1956-1957.

The Soviet Bloc Foreign Economic Relations Project has recently been established in the Woodrow Wilson Department of Foreign Affairs of the University of Virginia. Robert Loring Allen, associate professor in economics, will direct the project. Foreign economic policies and activities of Soviet Bloc countries will be subjected to scrutiny; Soviet aid programs in underdeveloped countries, Burmese-Soviet barter agreements, Iceland's trade agreements with the Soviet Union and other Bloc countries, and other such widely varied activities are to be investigated. A grant from the Dearborn Foundation of Chicago has made this project possible. It will be administered by S. Walter Washington, lecturer in the foreign affairs department of the university.

At its last annual meeting, the Midwest Conference of Political Scientists voted to publish a quarterly review of political science. Final plans were made by the executive council of the conference at its meeting in Washington in early September. The publication will be known as the *Midwest Journal of Political Science*. It will be a quarterly, with the first issue appearing May 1, 1957. The editor will be David Fellman, University of Wisconsin; the managing editor, in charge of business affairs, will be Charles W. Shull, Wayne State University; C. Herman Pritchett, University of Chicago, will serve as book review editor. The following will serve on the editorial board: Samuel J. Eldersveld, University of Michigan; Louis C. Kesselman, University of Louisville; Glendon A. Schubert, Michigan State University; Mulford Q. Sibley, University of Minnesota; Edward H. Buehrig, University of Indiana. The *Journal* will be published by



the Wayne State University Press, Detroit. All business inquiries should be addressed to Professor Shull of Wayne State University. The *Journal* will be a general political science review, open to all areas of the discipline and to all members of the profession. Manuscripts should be sent to Professor Fellman at 203 South Hall, University of Wisconsin, Madison 6, Wisconsin.

Chadwick F. Alger, now a Proctor fellow at Princeton University, will join the staff of the Swarthmore College political science department as instructor in political science for the second semester of the current year.

John A. Armstrong, Jr., assistant professor, University of Wisconsin, spent the latter part of the summer in the Soviet Union under an award from the Inter-University Committee on Travel Grants. During the second semester of 1956-1957, he will act as visiting assistant professor in the Russian Institute at Columbia University.

Erwin W. Bard, while on sabbatical leave as professor of political science at Brooklyn College, is visiting lecturer at the College of Europe at Bruges. He attended the International Congress of Administrative Sciences in Madrid in September.

Paul C. Bartholomew, professor of political science at the University of Notre Dame, has returned to the campus after serving as a consultant for the Navy Department in Washington during the past summer.

Burton Brazil, assistant professor of political science at San Jose State College, led the ticket for City Council at a recent election at which the City of Saratoga was incorporated.

James Robert Brown, visiting lecturer at Wesleyan University, has accepted an appointment as associate professor at St. Joseph's College, Hartford, for the coming year.

John Cotton Brown, assistant professor of political science and public administration at Cornell College, Mount Vernon, Iowa, spent last summer in England where he was awarded grants by the British and his own college to participate in a seminar on problems of international organization at St. Anthony's College, Oxford.

Henry C. Bush, formerly of Hunter College, was visiting assistant professor at Wayne

State University during the summer of 1956. During the year 1956-57 he will direct a 12 month program of training in the field of local government administration, a program sponsored by the International Cooperation Administration for a group of government officials of the Republic of Indonesia, at Wayne State University.

E. Glenn Callen of Nebraska Wesleyan University has been selected as a member of the Charter Revision Commission of the city of Lincoln.

Earl C. Campbell of San Jose State College taught courses in public administration this summer at the University of Southern California Civic Center Division.

George Catlin, McGill University, has been elected a Fellow of the Royal Society of Literature, London.

David T. Cattell, University of California (Los Angeles), spent the latter part of the summer in Moscow on an Inter-University Travel Grant. Professor Cattell returned to Los Angeles early in October.

Eugene P. Chase, professor of civil rights at Lafayette College, lectured on American institutions during the summer course in American and English studies in Nice, France, during July and August under the auspices of the University of Aix and the French Fulbright Commission.

Harwood L. Childs, Princeton University, is on leave for the academic year, 1956-57. During the second semester, he will serve as visiting lecturer at the University of Southern California on a lectureship sponsored by the John Randolph Haynes and Dora Haynes Foundation of Los Angeles.

Morris H. Cohen, associate professor of government, has returned to Clark University after a year abroad as Fulbright lecturer at the Municipal University of Amsterdam.

Francis W. Coker is teaching at Vanderbilt University during the winter term, 1957.

E. Lane Davis of the State University of Iowa has been granted a leave of absence for the academic year 1956-57. He has been appointed a Fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford, California.

Paul Dolan, chairman of the department of

political science at the University of Delaware, is lecturing during the current academic year at the Hochschule fuer Sozialwissenschaften, Wilhelmshaven-Ruestersiel, Germany, under a Fulbright grant.

John T. Dorsey, Jr., Michigan State University, has returned from Saigon, Viet-Nam, where he was deputy advisor in charge of the Presidency Program of the MSU Technical Assistance Project. After serving as acting coordinator of the project in East Lansing during the summer, he has resumed teaching duties and is assistant coordinator of the project.

Alex N. Dragnich has returned to Vanderbilt University after a year's leave of absence on a Ford Faculty Fellowship, which he spent mostly at Harvard University. During the summer he took a six weeks' tour of the Soviet Union, coming back by way of West Germany and France.

Leon D. Epstein, of the University of Wisconsin, is to be on leave during the second semester 1956-57 in order to engage in research sponsored by the Social Science Research Council.

David G. Farrelly has returned from a year in Italy as a Fulbright Scholar to resume his duties at the University of California (Los Angeles).

Herman Finer has been appointed a director of the Chicago Regional Port Authority. The nomination was made by Mayor Richard Daley and endorsed by Governor Stratton.

G. James Fleming, associate professor of political science at Morgan State College, has been named by the mayor of Baltimore, Maryland, to the newly created Baltimore Equal Employment Opportunity Commission. This is the first FEPC-type public body below the Mason-Dixon line. Dr. Fleming was regional director of the President's Committee on Fair Employment Practice, for the states of Pennsylvania, New Jersey and Delaware during World War II.

William Fleming, associate professor of political science and chairman of the department of political science at Ripon College, Ripon, Wisconsin, spent the summer as visiting professor at Northwestern University.

Peter J. Fliess has returned to Louisiana

State University from his sabbatical leave at the University of Frankfurt, Germany.

Edgar S. Furniss, Princeton University, has been a visiting professor at Columbia University during the current winter session.

William Goodman is acting chairman of the department of political science at the University of Tennessee for the academic year of 1956-57, during the absence of Lee S. Greene who is on leave.

Albert Gorvine, on the staff of the University of Ankara, on leave from Brooklyn College, attended the International Congress of Administrative Sciences in Madrid in September.

H. Field Haviland, on leave from Haverford College during the present academic year, is serving as senior staff member in international studies at the Brookings Institution, Washington, D.C.

A. Miller Hillhouse, Cornell University, served as a special fiscal consultant to the Baltimore Urban Renewal Study Board in preparation for their report to the mayor, September, 1956, on the city's redevelopment problems.

Gilbert O. Hourtoile, of Lafayette College, served during the summer as consultant to the Commission on Government Security.

Philip E. Jacob returned to the University of Pennsylvania after a year's leave of absence during which he directed a study for the Edward W. Hazen Foundation on the results of general education in the social sciences.

Gayle K. Lawrence has returned to his teaching duties at Temple University after serving 18 months as director of personnel in the Office of Administration, Commonwealth of Pennsylvania.

Leslie Lipson, professor of political science at the University of California, Berkeley, was visiting professor of government at the University of Hawaii's summer session, 1956.

Herbert McClosky, University of Minnesota, has returned to the university to resume his teaching and research duties, following a one-year fellowship at the Center for Advanced Study in the Behavioral Sciences, Stanford, California.

James W. Morley has returned to the East

Asian Institute at Columbia University after a year's absence.

Frederick J. Osborn, British town planner who has been active in the garden city movement, was knighted this year, his name being included on the Queen's Birthday Honors List.

Norman D. Palmer, professor of political science at the University of Pennsylvania, participated in the following conferences: The Joint Conference on Indo-American Relations, sponsored by the Indian Council of World Affairs (New Delhi) and the Council on Foreign Relations (New York), at Endicott House, Dedham, Mass., June 13-18, 1956. He also was a member of the seminar on "Leadership and Political Institutions in India" at the University of California (Berkeley), August 12-17, 1956, which was organized in conjunction with the Committee on South Asia of the Association of Asian Studies.

Paul A. Pfretzschner taught local government and administration in the summer session in the University of Buffalo.

James K. Pollock, Murfin professor of political science and chairman of the department of political science at the University of Michigan, has been awarded the Grand Cross of the Order of Merit by the government of the German Federal Republic. The presentation was made by President Theodore Heuss on August 31, 1956, and was in recognition of Professor Pollock's contributions to the strengthening of democratic institutions in Germany.

Benjamin Rivlin, now a Fulbright research fellow in North Africa, attended the International Congress of Administrative Sciences in Madrid in September.

Carl J. Schneider has resumed his teaching duties at the University of Nebraska, following a year spent in Germany as a Fulbright Research Fellow.

Jasper Shannon is serving as visiting professor of political science at the University of Nebraska during the 1956-57 academic year.

Dr. Kalman H. Silvert, associate professor in the department of political science at Tulane University continues on leave of ab-

sence with the American Universities Field Staff, and is presently in Chile.

H. Arthur Steiner has returned to the University of California (Los Angeles) after a six month tour of south and southeast Asia which was sponsored in part by the International Educational Exchange Program, Department of State.

James A. Storing returned to Colgate University in September after a year's leave spent in Germany, England and Norway with the Overseas Program of the University of Maryland.

Ronald M. Stout, Colgate University, has been granted a leave of absence for the current year to accept a position as director of the intern program, New York State Department of Civil Service.

Robert W. Tucker of Johns Hopkins University joined the political science department of Swarthmore College on a part-time basis for the current semester to teach the seminar in international politics, law and organization.

William Vatcher, Jr., San Jose State College, was nominated for Congress at the Democratic primary in June, and went on half-time status while conducting his campaign for the November election.

Eric Voegelin, Boyd professor of government at Louisiana State University, is on sabbatical leave for the first semester of the academic year 1956-57. He will give the Loeb Lectures at the University of Frankfurt on "The Law and the Prophets" in November-January.

John C. Wahlke will be on leave from Vanderbilt University during the winter and spring terms, 1957, for field work on the comparative state legislative project, financed by the Social Science Research Council.

George A. Warp has resumed his duties at the University of Minnesota after spending fourteen months as a member of the UN mission at the Brazilian School of Public Administration in Rio de Janeiro.

Belle Zeller, professor of political science at Brooklyn College, took part in the Conference on Legislative Services of the Council of State Governments in Seattle in August.

## APPOINTMENTS AND STAFF CHANGES

David Apter has been appointed assistant professor of political science at Northwestern University.

Richard G. Art, study director for institutional research of the National Science Foundation, has been appointed assistant director of the Western Interstate Commission for Higher Education, established by an interstate compact of 11 western states and territories, with offices at the University of Colorado, Boulder.

Richard C. Bain has been promoted to research associate at the Brookings Institution.

Sidney Baldwin has been appointed assistant professor of public administration at the New York University Graduate School of Public Administration and Social Service. He will also serve as administrative assistant in the office of the dean.

William C. Benson, former chairman of the department of political science at St. Olaf College, retired from his teaching and administrative duties last spring.

Frederick T. Bent, formerly assistant professor of political science at Coe College, Cedar Rapids, Iowa, has been appointed assistant professor in the Institute of Local and State Government of the University of Pennsylvania.

During the past summer, Conrad L. Bergendoff, Jr., resigned from his position as assistant professor of political science at St. Olaf College to assume a position with UNICEF.

W. Richard Bigger, San Diego State College, has accepted an appointment as associate professor of political science at the University of California (Los Angeles).

Leonard Binder, who received his Ph.D. from Harvard last June, has accepted an appointment as instructor at the University of California at Los Angeles.

Kenneth O. Bjork has been appointed chairman of the political science department at St. Olaf College.

Harold L. Blostein has become instructor in political science at Washburn University.

Virgil Blum, S. J., formerly of Creighton

University, was appointed associate professor of political science at Marquette University, effective September, 1956.

Frank R. Brandenburg, who served during the summer months as consultant to the president, Pennsalt International Corporation, has been appointed an assistant professor in political science, Michigan State University.

Erwin C. Buell has been added to the Baylor University department of political science as an assistant professor.

Franklin L. Burdette, who has been on leave of absence from the University of Maryland for two years to serve as head of the overseas book program and related cultural activities of the U.S. Information Agency, has returned to the University as professor of government and politics and has been appointed director of the Bureau of Governmental Research.

Warren M. Campbell has been named instructor in political science at Colgate University.

James C. Charlesworth has resigned as secretary of administration of the Commonwealth of Pennsylvania and has resumed his duties as professor of political science at the University of Pennsylvania and as president of the American Academy of Political and Social Science. He will remain as executive director of the Pennsylvania Reorganization Commission.

Inis L. Claude, Jr., formerly of Harvard University, is now associate professor of political science and acting chairman of the department of political science at the University of Delaware.

Samuel DuBois Cook has resigned his position as associate professor of political science at Southern University to become chairman of the department of political science at Atlanta University.

Dean Cresap has been promoted to the rank of professor of political science at San Jose State College.

Claude B. Cross, visiting assistant professor of political science at the University of Idaho, resigned to accept a position with the U.S. Information Agency.

Winston Crouch has assumed the chair-

manship of the department of political science at the University of California (Los Angeles). Dr. Crouch remains director of the bureau of governmental research.

John H. Ferguson, who is on leave as professor of political science at the Pennsylvania State University, has been appointed secretary of administration of the Commonwealth of Pennsylvania. During the past year he has been director of program evaluation in the governor's office.

William Fitzgerald, formerly of Loyola University (Los Angeles), has accepted an appointment as assistant professor of political science at Marquette University.

James J. Flannery, formerly director of the bureau of governmental research, School of Public Administration, Florida State University, Tallahassee, and more recently senior research analyst in the Harrisburg office of the Pennsylvania Economy League, has joined the U. S. Public Health Service.

Edward S. Flash, Jr., has joined the faculty of the Graduate School of Business and Public Administration, Cornell University, as director of student affairs and lecturer in public administration.

John L. Fletcher has been appointed assistant dean of the Graduate School at Boston University.

Robert S. Friedman of the University of Maryland has been appointed instructor in government at Louisiana State University.

Richard Frost has been appointed an instructor in the Woodrow Wilson School, Princeton University.

Robbins L. Gates, Columbia University, has become an instructor at Trinity College (Hartford).

John S. Gillespie has been promoted to assistant professor of political science at Tulane University.

Thomas V. Gilpatrick has been appointed visiting instructor in political science at the Pennsylvania State University for the year 1956-57.

Edward B. Glick, formerly of the political science department of the University of Florida in Gainesville, has been appointed director of the newly created Department of International

Affairs of the American Jewish Congress. AJC is the United States affiliate of the Jewish Congress.

Edward M. Goldberg has been an instructor in the political science at the University of Pennsylvania.

Jack Gourman has been appointed instructor in the department of politics at The Immaculate Heart College (Chicago) for 1956-57.

Robert C. Hartnett, S. J., former chief of the national Catholic week *America* (1948-1955), has been dean of the College of Arts at Loyola University, Chicago. Father resumed teaching political theory in the semester of 1955-56 at the University of Michigan, where he had headed the department of political science for five years, before taking the position in New York City.

Mark O. Hatfield resigned from the department of political science at Willamette University to become the Republican U. S. Secretary of State in Oregon. He served terms in the Oregon House of Representatives and one in the Senate while teaching at Willamette.

Richard Hough, graduate student, has accepted a one-year appointment as instructor in government at the University of Amsterdam. He is replacing Robert H. Hough, who is filling a Fulbright appointment at the University of Amsterdam.

Robert Huckshorn, who received an appointment at the State University of Iowa, has received an appointment as instructor at the University of California (Los Angeles).

Eric James is teaching American government at Brooklyn College during the year 1956-57.

Thomas P. Jenkin, currently at New York, has been promoted to professor at the University of California (Los Angeles).

Paul F. Johnston joins the staff of the University of Idaho as assistant professor of political science, executive secretary of the Political Science Committee.

Thomas E. Joyner, formerly of the University of Tampa, has become field

of the Housing-Code Study, Division of Housing, State of New York.

Fred Kort has been promoted to an assistant professorship in the department of government and international relations at the University of Connecticut.

G. Leighton LaFuze has been appointed visiting associate professor of political science at the University of Idaho.

Eleanor T. Linenthal has been appointed a research associate on the staff of the Sloan Institute of Hospital Administration in the Graduate School of Business and Public Administration at Cornell University.

Edward H. Litchfield has resigned as dean of the Graduate School of Business and Public Administration at Cornell University to assume the chancellorship of the University of Pittsburgh.

Charles A. McCoy, formerly of the bureau of public administration at the University of Virginia, has joined the department of political science at Temple University.

Joyce McLeod, formerly at the University of California (Berkeley), is now an acting instructor at the University of California at Los Angeles.

Charles P. McVicker, Jr., has been appointed an instructor in political science, Yale University.

Gerald Mangone has resigned as associate professor of political science at Swarthmore College to accept a position at Syracuse University.

Beatrice Markey, formerly of the Haynes Foundation, has joined the faculty of San Diego State College.

Henry L. Mason, Tulane University, has been promoted to associate professor of political science.

Douglas H. Mendel, Jr., has been promoted to the rank of assistant professor of political science at the University of California (Los Angeles).

Warner E. Mills, Jr., formerly of the University of Texas, has been appointed assistant professor of government at Beloit College.

Robert Morgan has been made associate pro-

fessor of political science at the University of Nebraska.

Benjamin Nimer has been appointed assistant professor of political science at Washington and Jefferson College.

Irwin Oder is teaching in the political science department at Brooklyn College during the year 1956-57.

Frank Paddock, professor of political science at Temple University, retired in June, 1956, after 28 years of service at the university.

L. Vincent Padgett has joined the faculty of San Diego State College as an assistant professor.

Wallace Parks recently resigned from the Government Operations Committee of the House of Representatives, where his last assignment was chief counsel of the Government Information Subcommittee, to engage in a study under a grant from the Fund for the Republic.

DeVere Pentony has been appointed to an instructorship in political science at the State University of Iowa for the academic year 1956-57.

Dwynal B. Pettengill has been appointed instructor in the department of political science and associate director of the Field Politics Center at Goucher College.

R. Vance Presthus was appointed associate professor of business administration in the Graduate School of Business and Public Administration, Cornell University. He will also serve as associate editor of the *Administrative Science Quarterly*.

Donato J. Pugliese was appointed an instructor in political science at Temple University for the academic year 1956-1957.

Alan C. Rankin, Cornell University, has accepted an appointment as the assistant to the chancellor of the University of Pittsburgh.

Fred Rathjen has joined the department of government of West Texas State College as an instructor beginning September 1, 1956.

John C. Rensenbrink, who recently completed his doctoral studies at the University of Chicago, has been appointed assistant professor of political science at Coe College.

John P. Roche has been appointed chairman

of the department of politics, Brandeis University.

James Roherty, who received his doctorate at the University of Wisconsin in the summer of 1956, accepted an appointment as instructor in political science at Marquette University, beginning September, 1956.

Emil J. Sady, who has recently served on the staff of Public Administration Service as chief consultant to the Alaska Constitutional Convention, has been appointed senior staff member in governmental studies at the Brookings Institution.

Robert G. Scigliano of the political science department at Michigan State University was promoted to the position of assistant professor recently.

John Shannon, who received his degree from Kentucky in August, 1956, has been named instructor in political science at Creighton University.

Theodore L. Shay has been appointed assistant professor of political science at Willamette University.

George Shepherd is teaching in the political science department at Brooklyn College during the year 1956-57.

Foster Sherwood has been promoted to the rank of professor of political science, University of California at Los Angeles.

Currin V. Shields has been promoted to the rank of associate professor of political science at the University of California (Los Angeles).

Robert A. Sigafos has been appointed assistant executive secretary of the Institute of

Local Government at the Pennsylvania State University. He was formerly financial consultant to the Secretary of the Treasury, and director of research for the Department of the Treasury of the Commonwealth of Puerto Rico.

Edmund F. Spellacy, professor of government, became dean of the College of General Studies, University of Hawaii, on September 1, 1956.

Richard F. Staar has been elected to the chairmanship of the social sciences division of Harding College which includes the departments of business and economics, political science, as well as history, geography and sociology.

Robert J. Steamer of the University of Massachusetts has been appointed assistant professor of government at Louisiana State University.

Harold Stein, who has been with the Twentieth Century Fund, has been appointed visiting lecturer with rank of professor in the Woodrow Wilson School, Princeton University.

Loren E. Tesdell was appointed an instructor in political science at Temple University beginning with the fall semester in 1956.

Harold M. Thewlis, formerly of Queens College, has been appointed an instructor at the University of Connecticut.

Earl Warner has been reappointed as chairman of the department of political science at Ohio Wesleyan University for a two-year period ending June, 1958.

## IN MEMORIAM

Leslie A. Foust, in July, 1956, died of a heart attack. His experiences were many and varied. He was a teacher and principal in elementary and secondary schools and served in the infantry in the Argonne and Vosges Mountains engagements of World War I. He received his Bachelor and Master of Science degrees at Washington and Jefferson College, and later his Doctor of Philosophy degree at the University of Pittsburgh. He served as an administrator for Washington and Jefferson through two decades but concluded his career as professor of political science and chairman

of that department, respected by both students and colleagues for his scholarship and integrity. He was a member of Delta Sigma Rho, Pi Sigma Alpha, Pennsylvania Political Science and Public Administration Association, and American Political Science Association.

Isidor Loeb, a life member of the Association since 1909, and its President in 1933, died recently at his home in St. Louis.

James E. Pate, professor of political science at William and Mary for more than 25 years,

government consultant, scholar and public servant, died June 12 in Williamsburg. He had been ill for several weeks, following an attack of cerebral thrombosis.

Long an expert in the field of local government and planning, Dr. Pate was author of "Local Government and Administration," a widely used college textbook, and of numerous articles in professional journals.

Dr. Pate was appointed to the William and Mary faculty in 1927, and has served as professor of political science since 1930.

Ten years ago Arnaud B. Leavelle was called to Stanford University to be assistant professor of political science. On October 22, 1956, his death came suddenly with a massive coronary thrombosis while he was exercising his polio-crippled limbs. Only 42, Professor Leavelle's life was arrested in mid-career. Born a native of California, he had spent part of his youth in China, where he contracted the polio that incapacitated him for long and ravaged him to the end. He prepared at the University of California, Los Angeles, where he received the bachelor's degree in 1937, the master's in 1939 and the doctorate in 1940. Always an outstanding student, he won undergraduate scholarships and was elected to Phi Beta Kappa and as a graduate was made a teaching fellow.

After beginning his professional work at Swarthmore College, which later called him back twice, first from UCLA and then from Illinois, he came to Stanford University, there to remain except for one year as Fulbright Research Professor at Nuffield College, Oxford. Both as a teacher and as a research scholar, Professor Leavelle was primarily in-

terested in the political theory field. An exciting and exacting class-room teacher, he became a general favorite among undergraduates both within and beyond the ranks of political science majors. The current junior class at Stanford has established a perpetual memorial in his honor, the Leavelle Prize in Political Theory, to go to the best student in the introductory course, for which he was famous on campus. He was equally respected by the graduate students, for whom, in most cases, he was the first faculty contact. To himself he gave no quarter; for them, he had an endless patience.

It is a grievous loss to scholarship that Professor Leavelle's career was cut short while his writings were still few. Except for articles in scholarly journals, the sole literary monument he has left is the manuscript of a volume to be posthumously published on the political philosophy of Justice James Wilson, member of the Constitutional Convention and Justice of the Supreme Court. Stanford University recognized Professor Leavelle's signal talent; by rapid promotion, to an associate professorship in 1949 and to a professorship in 1954. Even earlier he had acted as executive head of his Department.

He was a devoted member of the American Political Science Association, on whose Executive Council he had served; the American Association of University Professors, of whose Stanford chapter he was a moving spirit; and of the American Civil Liberties Union. At the time of his death he was bibliographical editor in the theory field for this *Review*, editorial consultant for the *Western Political Quarterly*, and President of the Northern California Political Science Association.—JAMES T. WATKINS, IV

## 1957 PROGRAM OF CONGRESSIONAL FELLOWSHIPS

Applications for the 1957 program of Congressional Fellowships will close on February 15, 1957. This program which is now in its fourth year of operation, enables young political scientists and journalists to gain the practical experience of working as staff members of Congressional committees and in the offices of House and Senate members. Half of the Fellowships will be awarded to those with graduate training and/or teaching experience in political science and half for journalists or young teachers in schools of journalism (including those active in either radio, television, or on periodicals or newspapers). The stipend for

each Fellowship will be \$4,500, plus travel expenses to and from Washington, D. C. According to current tax rulings, a large portion of the stipend is tax-free.

The age limit has been lowered somewhat from last year and preference will be given to applicants in the 25-32 age group. It is no longer necessary to submit applications through the Chairman of the department of political science. Any number of applicants may apply directly to The American Political Science Association.

Preference will be given to applicants who have not had the opportunity to work or live in



Washington, D. C. The following types of experience and training are suggestive rather than binding:

(1) Completion of two years' graduate work in political science plus one year of experience in politics, teaching or public administration.

(2) A.B. degree (honor graduate) in political science or journalism with two years of full-time practical experience in newspaper, radio or television work.

The program will commence on November 18, 1957, with a one-month orientation period of intensive readings, seminars and discussions with experts in the legislative process. The last eight months will be divided between staff assignments with Senators, Representatives and Congressional committees. As far as possible,

each Fellowship winner will be allowed to choose his preference, commencing with an assignment in the House of Representatives in January, and moving to the Senate in May. The program will conclude on August 18, 1957.

As this program has developed, the Congressional Fellows have received increasingly responsible assignments on Capitol Hill, handling legislation, speech writing, committee work, constituent inquiries, relations with executive departments, and have in many cases been given access to executive sessions of committee meetings and have been given an inside picture of Congress in operation.

Additional information and application forms may be obtained from the Association office.

### 1957 POLITICAL SCIENCE AWARDS FOR STATEHOUSE AND CITY HALL JOURNALISTS

Applications will be accepted through July 1, 1957 for the second series of awards to newspaper men or women in 12 Midwestern states. The awards will be made for the 12 best articles or series of articles on any phase of state or local government or politics, published in any newspaper in the following states: North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan and Ohio. Eligible will be any newspaper man or woman between the ages of 25 and 35 currently working full time on any daily newspaper in the above states. Articles will be judged on the basis of: Ability to clarify a complex issue; persistence and imagi-

nateness of research; originality of presentation and quality of writing. Articles will be eligible for the awards if published at any time from June 1, 1956 to June 1, 1957. Plaques will be presented to the newspaper publishing the winning articles, and to the individual winners. The winners will also be invited for an all-expense paid, two weeks stay at Allerton Park, Illinois during the period December 1-15, 1957. During these two weeks they will be invited to participate in a conference in public affairs reporting with leading journalists and political scientists. Application blanks may be secured by writing to the Association.

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